

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

C.C. No. 2626 of 2016

ORDER:-

This Contempt Case is filed alleging willful disobedience on the part of the respondents in complying with the order dated 20.09.2016 passed by this Court in W.P. No. 26380 of 2015.

In pursuance of the order dated 20.01.2017 passed by this Court, the 1st respondent – Principal Secretary to Government, Water Resources Department, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District has appeared in person and filed counter affidavit wherein it is stated that the file was sent to Law Department on the proposal of the Special Collector, GNSS, Kadapa on 07.01.2017 for their remarks and it was returned on 20.01.2017. Again, the file was sent to Finance Department on 24.01.2017 for their remarks and the same was returned on 28.01.2017. Then, the file was sent to Minister concerned on 01.02.2017 and returned on 03.02.2017. Thereafter, the Government issued orders on 03.02.2017 vide G.O.Rt.No.38, W.R. (L.A) Dept., directing the Special Collector (LA) GNSS, Kadapa to initiate process immediately for acquisition of 16 structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District and for payment of compensation to comply with the orders

dated 20.09.2016 passed by this Court in W.P. No. 26380 of 2015. Thereafter, the Special Collector (LA), GNSS, Kadapa, vide proceedings Ref.No.A1/ 233/ 2012, dated 24.01.2017, has already approved the proposals of the Special Deputy Collector (LA) S.S.P. Unit-IV, Rajampet, for payment of balance compensation in respect of 20 structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District in compliance with the directions given by this Court.

It is not in dispute that vide order dated 20.09.2016, this Court directed the respondents to complete the land acquisition proceedings and pay compensation to the claimants within a period of six weeks from the date of receipt of a copy of the order. It is also not disputed that the order passed by this Court was received by the respondents on 06.10.2016. Therefore, as per the directions given, the respondents were supposed to comply with the order by the end of November, 2016. However, till date, the order has not been complied with. Thus, the respondents have not taken any steps in terms of the directions given by this Court for the reasons best known to them, which amounts to contempt of Court. The respondents have no explanation whatsoever as to why they have not moved any application before this Court for extension of time if they were unable to comply with the directions issued by this Court within the specified time.

Respondent Nos.2 and 3 filed an application on 06.02.2017 only after receipt of Show Cause Notices issued by this Court. It seems, the respondents do not have any respect to the Court, and consequently, they have taken this Court for granted and not complied with the order.

The 1st respondent, who is personally present in the Court, has submitted that in compliance with the order passed by this Court, the Government issued Orders dated 03.02.2017, by virtue of which, the process has already started for acquisition of remaining structures in Chukkayapalli S.T. Colony, Nandalur Mandal, Kadapa District and for payment of compensation to the claimants, and undertakes to complete land acquisition proceedings if three months and ten day's time is granted.

Even though it is stated in the counter affidavit that there is no willful disobedience in complying with the order of this Court, however, I do not accept this plea for the reason that the respondents have not filed any application for extension of time, and due to their inaction, the petitioners are compelled to file the present Contempt Case. However, this Court, without convicting the respondents under the provisions of the Contempt of Courts Act, deems it appropriate and direct the respondents to pay an amount of Rs.1,500/- (Rupees One Thousand Five Hundred Only) to each

of the petitioners i.e. a total of Rs.24,000/- (Rupees Twenty Four Thousand Only) towards costs, by way of Pay Order / Cheque, within a period of two weeks from today.

Moreover, as the respondents have sought time to comply with the order, they are directed to complete the land acquisition proceedings and pay compensation to the claimants strictly within a period of three months and ten days from today.

It is made clear that if the respondents failed to comply with the undertaking given before this Court on any count within the time stipulated, their apology will not be accepted. Accordingly, the respondents are discharged from the contempt proceedings.

In view of the terms aforementioned, the Contempt Case is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

10.02.2017

bcj