

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

CONTEMPT CASE No.2628 OF 2016

ORDER:

Vide order dated 15.03.2017, the respondents were held guilty of contempt of Courts Act 1971 and directed to file counter affidavits as to why they shall not be convicted under Contempt of Courts Act 1971.

2. The 1st respondent was discharged from these proceedings vide order dated 21.03.2017.

3. The 2nd respondent, in para-12 of his affidavit states that, even till date, he has not received the contempt notice and the petitioners have also not filed any proof of service. Thus, he has not violated the *status quo* order issued by this Court. Whereas, pursuant to order dated 04.01.2017, the respondents were present in the Court with affidavits, as is evident from order dated 18.01.2017 passed by this Court. Moreover, this respondent was directed to remain present on the next date of hearing to assist the Court and he continued to appear till 11.04.2017.

4. In para-5, the 2nd respondent states that, the land in question had been resumed, and handed over to various entities as far back in the years 2005 and 2006 itself. Whereas in para-27 of order dated 15.03.2017, it is noted by this Court that the lands of the petitioners in Sy No.115/25

to an extent of Ac 4.39 guntas were transferred in favour of five parties including Sriram Financial Services Holds Pvt. Ltd., on 04.08.2009 and Karvy Stock Brocking Limited on 30.06.2016. Thus, the affidavit filed by 2nd respondent is contrary to the record.

5. The 3rd respondent in her affidavit dated 30.03.2017 states that, she was discharging her duties as Special Deputy Collector, Land Acquisition (Industries) Hyderabad at Ranga Reddy District, from 26.10.2013 till 23.12.2016. The possession of the land was handed over to TSIIC by the Tahsildar, Serilingampalli way back in the year 2002, during which time, this respondent had no role in the entire process. She further states that the order of *status quo* was granted by this Court on 04.08.2016, by which time, the land was already handed over to various entrepreneurs. This respondent being the Special Deputy Collector has neither field staff at village level nor any administrative control over the functioning and allotment of land by the TSIIC to various entrepreneurs. Whereas, notice in W.P.No.20319 of 2016 was accepted by the learned Advocate General on behalf of the respondents on 27.06.2016 including the present respondent and sought time for filing counter affidavit and the land was transferred in favour of Karvy Stock Brocking Limited on 30.06.2016.

6. It is not in dispute that the 3rd respondent never approached this Court after issuing contempt proceedings vide order dated 04.01.2017. Whereas the *status quo* was directed to be maintained by the parties vide order dated 04.08.2016. Thus to frustrate the relief sought for in the said writ petition, the land was transferred in favour of above noted party after issuing notice by this Court in the petition. This was deliberate act of the respondents including this respondent.

7. The 4th respondent in its counter affidavit states that this Court on 04.08.2016 directed the *status quo* to be maintained by the respondents till the next date of hearing. When the matter was listed again on 23.09.2016, this Court has not extended the *status quo* order, and counsel for the petitioners, sought adjournment for taking instructions from his clients whether to withdraw the instant petitions and file fresh petitions with correct details and Survey Numbers. Thus the order of directing the parties to maintain *status quo* was in operation only for a period of four weeks from 04.08.2016.

8. In a similar matter, this Court vide order dated 07.09.2016 in W.P.No.20319 of 2016 directed the respondents to maintain *status quo* in respect of the land in question. Thus the order sheet reveals that *status quo* was granted vide order dated 04.08.2016 till the next date of

hearing, and thereafter, the petition was listed on 01.09.2016, and thereafter, the *status quo* was not extended.

9. Now the question arises before this Court, whether, the respondents have committed contempt of courts during four months mentioned above. The respondents have denied any construction during this period. Even on the record, nothing concrete material is there, based on which, the respondents can be convicted under the Act.

10. In view of the affidavits filed by respondents No.2 to 4, and facts and circumstances above, I hereby discharge the respondents from these contempt proceedings with caution that in future they will be more careful in dealing the court directions.

10. Accordingly, this Contempt Case is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date : 14-06-2017

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