

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

C.C. Nos. 299 and 307 of 2017

COMMON ORDER:-

Inasmuch as the issue involved and the parties in these Contempt Cases are one and the same, these two matters are taken up together for disposal by this common order.

While C.C.No.299 of 2017 is filed alleging willful disobedience on the part of the respondents herein in complying with the order dated 29.08.2016 passed by this Court in W.P. No. 17434 of 2016, the C.C.No. 307 of 2017 is filed with the same allegation in respect of the order dated 29.08.2016 passed in W.P.No. 17443 of 2016.

By the aforementioned orders, this Court directed the respondents to take decision on the petitioner's representation dated 10.08.2015 within a period of four weeks from the date of the order after affording opportunity to the parties concerned. It is further directed that the decision taken shall be communicated to the petitioner within one week thereafter.

In pursuance of the orders dated 29.08.2016 passed by this Court, the Land Acquisition Officer & Special Deputy Collector (LA), Polavaram Irrigation Project, Left Main Canal Unit-I, Rajahmundry, issued Proceedings Ref. C/ 31/ 2010, dated 24.10.2016 by making the following observations:

“In view of the awards passed by the then Land Acquisition Officer and Special Deputy Collector(LA) Polavaram Irrigation Project, MC Unit-1, Rajamahendravaram, and filing the objection petition on 10.08.2015 by Kruthiveni Perraju and after perusing the written statement furnished by Kruthiventi Perraju and Posina Koteswara Rao, it is concluded that there is a civil dispute prevailing in the subject lands about the title and possession of the acquired lands and the higher authority informed that there is no such provision to change/alter/modify the name of the awardee against the award passed by the Land Acquisition Officer except for correction of clerical or arithmetical mistakes within the stipulated period as declared under Section 33(1) of L.A.R.R. Act 2013.

Hence, the case was remitted to the Land Acquisition Rehabilitation and Resettlement Authority under Section 77(2) of the L.A.R.R. Act, 2013 for determination of title and payment of land compensation as and when constituted and functioned along with awarded amount.”

Keeping in view the decision taken by the respondents herein in compliance with the directions given by this Court, no contempt much less willful contempt can be alleged against the respondents.

Accordingly, these Contempt Cases are closed. However, liberty is granted to the petitioner that if he is so aggrieved by the decision taken by the respondents, he may challenge the same in separate proceedings before appropriate forum. No order as to costs.

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

SURESH KUMAR KAIT, J

10.03.2017

bcj