

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

CONTEMPT CASE No.1921 OF 2017

ORDER:

This contempt case is filed alleging non-compliance of the order dated 07.07.2017 in W.P.No.22420 of 2017.

The writ petition was filed alleging interference with the private patta land of the petitioner in Sy.No.288/A in an extent of Ac.2-22 guntas situated at Kesavapuram, Hamlet of Jammikunta Village and Mandal, Karimnagar District under Mission Kakatiya Scheme. The said writ petition was closed on the basis of undertaking, given by the learned Government Pleader, the respondents will not interfere with the possession of the land of the petitioner, without following due process of law.

Alleging violation of the said order, this contempt case is filed.

Counter affidavit is filed stating as follows:

“It is humbly submitted that as per the records/list of existing Minor Irrigation tanks pertaining to Irrigation Division, Karimnagar, the said tank is under the control of office of the Executive Engineer Irrigation Division, Karimnagar. The subject matter of the tank was in pre-existence which is known as Kothakunta Ayacut falling in Jammikunta Village, Huzurabad, Karimnagar falling to an extent of Ac.19.82 cents. The subject land is shown in the said tank. It is humbly submitted that the department has carried restoration work under the said Mission Kakatiya Phase-III. However, the

petitioner is claiming rights over the bund and the allegation of the petitioner that the respondents are interfering with the possession and enjoyment of the petitioner over is false and denied. As stated supra, the work was already completed much before this Hon'ble Court passed order dated 07.07.2017 and in furtherance to that no work was taken up. As such there is no willful disobedience of the orders of the Hon'ble Court."

In view of the statement made by the respondents in their counter affidavit that they have only restored tank bund to its original possession, no further orders are required. However, If any damage is caused to the petitioner's land, it is open to the petitioner to take appropriate proceedings in accordance with law.

Accordingly, contempt case is closed.

Consequently, miscellaneous petitions pending, if any, shall also stand closed.

A.RAMALINGESWARA RAO, J

24.11.2017
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