

HON'BLE SRI JUSTICE CHALLA KODANDARAM

CONTEMPT CASE No.1158 OF 2016

ORDER:

This Contempt Case is filed alleging non compliance of the order dated 29.03.2016, passed by this Court in W.P.No.9962 of 2016.

The case of the petitioners as pleaded in the contempt case is that on 12th and 14th of June, 2016, Sri Md Abudl Hanif, Patwari, Sri Laxman, Revenue Inspector and Srihari, Surveyor visited the land of the petitioners in Sy.Nos.17 and 18 of Diggapur Village, Peddemul Mandal, Ranga Reddy District and carried on the survey. It is the allegation of the petitioners that the said survey was conducted without issuing any notice to the petitioners and in violation of the order dated 29.03.2016, passed by this Court in W.P.No.9962 of 2016, wherein this Court had categorically held that the writ petitioners shall not be interfered with in any manner whatsoever without initiating the proceedings as per the provisions of Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, "the Act"). It is also alleged in the contempt case that the said named persons on enquiry had revealed that they have been acting under the orders of their superiors the respondent herein.

A counter-affidavit has been filed by the respondent-Tahsildar stating that the renovation of Oora Cheruvu tank of Peddemul Mandal was proposed under the Mission Kakatiya programme. In connection with the said work, the irrigation

department has been requested to conduct survey of the F.T.L of the tank and also to fix the boundaries. In the process, it had become necessary to conduct survey in Sy.No.7 and there was no interference with the petitioners' land in whatsoever. The respondent had also placed on record the panchanama conducted with respect to the said survey along with the map of the Oora Kunta. The respondent had also filed a copy of the notice dated 8.9.2016 which was issued to the petitioners informing about the alleged survey being made.

Heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondent.

The violation of the order which has been complained of is an innocuous order directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioners' property without following due process i.e., without initiating any proceedings under the provisions of the Act. The specific grievance of the petitioners is that the survey was conducted even without issuing any notice. Though the respondent had denied, it can be presumed that there was some survey conducted. Even assuming such survey was conducted, in the light of the provisions of Section 12 of the Act which enables the respondent authorities to carry out survey for the purpose of enabling the appropriate government to determine the extent of the land to be acquired, it cannot be said that carrying out the survey is in violation. It may also be noted that Section 12 of the Act authorising the authorities to carry out survey and demarcate the land without even issuing a notice under Section 11 of the Act. In the facts and

circumstances of the case and there being no violation, the contempt case is liable to be closed.

Accordingly, the contempt case is closed. No order as to costs.

CHALLA KODANDARAM,J

Date:02.06.2017,

Gk.



THE HON'BLE SRI JUSTICE CHALLA KODANDARAM



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