

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Contempt Case No.1476 of 2017

ORDER :

This Contempt Case is filed alleging violation of order passed by this Court in WP No.7917 of 2017 on 08.03.2017.

This Court disposed of WP No.7917 of 2017 by observing as follows:

“Since it is stated that the 5th respondent has already issued letter dated 17.01.2017 to the petitioners for payment of the amount, it is for the petitioners to pay the said amounts.

In view of the same, it is open for the petitioners to make the payments as directed by the 5th respondent vide letter dated 17.01.2017 within a period of two (02) weeks from today. On such deposit, the 5th respondent is directed to take further action in accordance with law.”

Learned counsel for the petitioners submits that the petitioners have paid the amount to the respondent, but the respondent refused to conduct survey.

On the other hand, basing on counter affidavit filed by the respondent, learned Assistant Government Pleader for Revenue submits that though only the 1st, 7th and 9th petitioners have paid the fees, but they have not filed any documents with regard to title of the property, as such, Surveyor inspected the same and submitted a report dated 15.04.2017 stating that survey is not possible. Basing on

the report of the Surveyor, this respondent passed impugned proceedings dated 17.04.2017.

In this case it is to be seen that all the petitioners have different extents of lands and they have filed a common writ petition and sought directions. But in the counter, it is specifically stated that only the 1st, 7th and 9th petitioners have paid the fees and not by the other petitioners. But this Contempt Case is filed by all the petitioners. It is not known how the petitioners, who have not paid the fees, as observed in the order passed by this Court, can file contempt case against the respondent. Moreover, it is stated that the petitioners who have paid fees, have not filed any documents with respect to their title over the property before the Surveyor for conducting survey. Ultimately, the Surveyor, who is responsible for conducting survey, has passed an order dated 15.04.2017 stating that survey cannot be conducted. Basing on the report of the surveyor, respondent passed the impugned proceedings dated 17.04.2017.

Though the learned counsel for the petitioners tried to argue that the order passed by the respondent dated 17.04.2017 is erroneous, the correctness or otherwise of the same cannot be gone into in this Contempt Case.

In view of above facts and circumstances, I do not see any violation of orders passed by this Court, by the respondent.

Accordingly, the Contempt Case is closed. However, it is open for the petitioners to challenge the proceedings of the respondent dated 17.04.2017 in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

12-02-2018
kvs



A.RAJASHEKER REDDY, J

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kvs