

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No.883 OF 2017

ORDER:

The contempt case is filed alleging violation of the common order dated 30.03.2017 passed by this Court in WP.No.10972 of 2007 and batch, which reads as follows;

“In view of the same, the Assistant Director, Survey and Land Records is directed to conduct survey for demarcation of Survey Nos.4, 8 & 9 by giving notices to the petitioners in WP.Nos.10322/2017 and 7283/2017. On such notices being issued by the respondents, it is for the petitioner-association to inform all its members about conducting of survey. If any member of the Association has objection they can file their objections before the Assistant Director, Survey and Land Records and the Assistant Director shall take those objections into consideration while conducting survey. Since this Court on 09.07.2007 has granted stay of allotment of houses insofar as the land comprises in Survey Nos.8 & 9 in WP.MP.No.13732/2007 in WP.No.10972/2007, the same shall continue till the survey is conducted by the Assistant Director. After survey is conducted the 4th respondent-Mandal Revenue Officer/Tahasildar, shall consider the explanation of the petitioner-Association which was already submitted in pursuance of the notice dated 05.07.2014 issued under Section 7 of the Land Encroachment Act, 1905, in accordance with law, and take action by following due process of law.”

Learned counsel for the petitioner submits that though this Court, in the order dated 30.03.2017 passed in WP.No.10972 of 2007 and batch directed to continue the stay granted by this Court in WP.MP.No.13732/2007 in WP.No.10972/2007, till the survey is conducted by the Assistant Director, the respondents have allotted the lands vide proceedings No.LC2/4143/2016, dated 21.10.2016, in violation of the aforesaid orders.

Learned Government Pleader for Revenue by referring the counter affidavit submits that this Court on 09.07.2007 has granted stay of allotment of houses insofar as the land comprises in Survey Nos.8 & 9 only; that no allotments were made in Survey Nos.8 & 9 and that allotments were made only in Survey No.4, as such there is no violation of the orders passed by this Court.

As per proceedings dated 21.10.2016, allotment was said to be made in Survey No.4 but stay of allotment is in respect of land in Survey Nos.8 & 9 in WP.MP.No.13732/2007 in WP.No.10972/2007. No reply affidavit is filed contrary to the contents of the counter affidavit.

In view of the above, I do not see any violation of the orders passed by this Court. Accordingly, the Contempt Case is dismissed. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the contempt case, shall stand closed.

A.RAJASHEKER REDDY, J

23.01.2018
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