

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE P.KESHA RAO

CONTEMPT CASE No.2329 OF 2015

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging wilful disobedience to the order dated 09.12.2013 passed by a Division Bench of this Court in W.P.No.13732 of 2009. The said writ petition was filed by the petitioner herein in public interest with the following prayer:

“For the reasons stated in the accompanying affidavit, the petitioner herein pray that this Hon'ble court may be pleased to issue any writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in not taking any steps against the 5th respondent for cancellation of alienations made over Sy.No.1 of Utukuru Village, Sydapuram Mandal, P.S.R.Nellore District by ignoring the proceedings of the Mandal Revenue Officer/3rd respondent in Rc.No.B/115/09, dt. 24-03-2009 as illegal, arbitrary and unconstitutional and consequently direct the respondents to forthwith take steps for cancellation of the alienations made above by the 5th respondent by recovering the possession from them and to protect the lands from the third parties and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

By the order dated 09.12.2013, the Division Bench thought it fit to dispose of the writ petition taking a cue from the order dated 10.07.2009 passed earlier and directed the District Collector, SPSR Nellore District, to enquire whether the land in question belonged to the Government or not. The Division Bench further directed that in the process, hearing should be given to Takkellapati Ramadevi, the fifth respondent therein, and if it was

found that the land belonged to the Government, then appropriate measures should be taken to recover the same.

While so, it appears that during the pendency of proceedings before the authorities, the fifth respondent in the aforestated writ petition filed W.P.No.45149 of 2016 before this Court assailing the order dated 13.12.2016 passed by the State Level Grievance Committee, Andhra Pradesh, and the consequential action of the District Collector, SPSR Nellore District, in seeking to recover her land in an extent of Acres 5.80 cents in Sy.No.1 of Utukuru Village, Sydapuram Mandal, SPSR Nellore District. By order dated 02.01.2017 passed therein, a learned Judge of this Court, while taking note of the orders passed by the Division Bench in W.P.No.13732 of 2009, thought it appropriate to direct *status quo* as on that day with regard to the possession to be maintained.

We are informed that this order is still subsisting. Significantly, the petitioner herein, T.Prasada Rao, was impleaded as respondent No.7 in W.P.No.45149 of 2016.

Sri Koppula Gopal, learned counsel for the petitioner, would state that a detailed counter-affidavit has been filed by his client in W.P.No.45149 of 2016.

In the light of the aforestated facts, it is clear that the authorities can proceed no further with regard to the possession over the land in question owing to the *status quo* order passed in W.P.No.45149 of 2016, which is still operative. At this stage, the authorities can therefore not be held liable for wilful disobedience in giving full effect to the order passed in W.P.No.13732 of 2009. They would necessarily have to await the result of W.P.No.45149 of 2016 to initiate further steps in accordance therewith.

We see no reason to keep this contempt case pending in such circumstances.

The contempt case is accordingly closed leaving it open to the petitioner to take appropriate steps, if warranted, in future in accordance with law. No order as to costs.

SANJAY KUMAR,J

P. KESHA RAO,J

Date: 14.02.2018
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