

HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASES NOS. 283, 284, 285, 286, 298, 299, 300, 306,
307, 145, 301, 302, 303, 304, 305, 309,
336, 384, 385 and 424 OF 2018

COMMON ORDER:

Heard Mr.A.Sinath and Ms.Savithri Devi for petitioners, Mr.Korapati Subba Rao, learned Government Pleader for Assignment (AP), Mr.N.Siva Reddy for APTRANSCO and Mr.K.V.Subrahmanya Narusu for NTPC.

On 14.07.2017, this Court disposed of batch of writ petitions and the operative portion reads as follows:-

“Having taken note of the statements made by the learned counsel and with their consent, the batch of writ petitions are disposed of by this order:

- (a) the petitioners are directed to file petition/representation before respondent Nos.3 and 4 claiming compensation as referred in the letter dated 10.07.2017, for resuming the assigned land from petitioners within eight weeks from today;
- (b) the petitioners shall state all the details and enclose true or xerox copies of all the documents in their possession in support of their claim for payment of compensation;
- (c) the petitioners shall further produce originals in the enquiry to be held by respondents 3 and 4, and also return the originals while receiving the compensation from the respondents for resuming the assigned land;
- (d) respondents 2 to 4 are directed to start enquiring each one of the claims expeditiously and meticulously, take all steps required for completion of enquiry and payment of compensation to each one of the petitioners as noted above within four months from the date of receipt of a copy of this order;

(e) the petitioners/assignees who do not wish to take compensation from respondents are given liberty to file appeal under BSO against the impugned proceedings and work out their grievances, for this Court is of the view that the remedy of appeal, revision etc., under BSO is effective and compatible to the nature of enquiry involved in the matter viz., whether land is brought under cultivation or not etc.

The present batch of Contempt Cases is filed complaining disobedience of order dated 14.07.2017. The thrust of disobedience in the Contempt Cases is against the order of Revenue Divisional Officer, Nandyal, dated 04.12.2017 and the operative portion of the order reads as follows:-

“Heard both the parties and examined the records and the statements of petitioner and respondent.

In obedience to the Hon'ble High Court order examined the claim of the petitioner and records produced by the petitioner and the Tahsildar, Gadivemula.

As per the condition No.2 of D-Form Patta issued to the petitioner on 25.10.2007 “the beneficiary or his family members shall bring the assigned land under cultivation within a period of three years from the date of assignment.” The D-Form patta was issued on 25.10.2007 and the three year permissible period for bringing the land under cultivation ends on 26.10.2010. The then Tahsildar, Gadivemula has resumed the land on 02.01.2015 as the assignee violated the assignment patta condition and failed to bring the land under cultivation.

Accordingly the order passed by the then Tahsildar, Gadivemula resuming the land in question in his proceedings, Rc.A.131/ 2014, dated 02.01.2015 is upheld as the appellant has failed to produce evidence to prove that the land was brought under cultivation. Hence, the appeal is rejected.”

On 09.02.2018, this Court directed issuing Form-I Notice to respondents. On 09.03.2018, except the Managing Director of NTPC, rest of the respondents were present. The contempt cases have been heard at great length. The Revenue Divisional Officer/one of the respondents realizing the mistake committed in issuing proceedings dated 04.12.2017, without pressing for decision on liberty viz., whether the proceedings dated 04.12.2017 amount to technical contempt or substantive contempt, or that the respondents have no intention to disobey the order of this Court, has sought for a short adjournment till date to recall the proceedings, dated 04.12.2017.

Mr.Korapati Subba Rao places on record the proceedings dated 10.03.2018 issued by the Revenue Divisional Officer, Nandyal and seeks six more weeks' time from today to examine the claims of each one of the petitioners in batch of contempt cases and pass orders, as is warranted, on the merits of each case.

This Court having taken note of the quick realization of either commission or omission in implementing the orders of this Court is persuaded to discharge the notice in the Contempt Cases.

Hence, the Contempt Cases are closed, by placing on record, the proceedings dated 10.03.2018 and six weeks time from today, as prayed for by Mr.Korapati Subba Rao is granted

to examine and pass orders by the Revenue Divisional Officer, Nandyal.

Mr.A.Sinath and Ms.Savithri Devi at the end of the order brings to the notice of the Court that let the respondents not look at the claims of petitioners with any other issue except to pass orders.

This Court has no reason to doubt that officers while discharging their official duty are guided more by law but not by peripheral circumstances including the filing of Contempt Cases by petitioners.

With the above observations, the Contempt Cases are closed accordingly.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 12-03-2018
Prv



S. V. BHATT, J

