

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1585 of 2011

ORDER:

As Sri H.Venugopal, learned counsel for the petitioners, was not present when the matter was called earlier, the Contempt Case has been directed to be listed "for dismissal" today. Even today, neither is the learned counsel for the petitioners present nor is there any representation on his behalf.

The order, violation of which is alleged in this contempt case, is the order passed in W.P.M.P.No.35531 of 2011 in W.P.No.28738 of 2011 dated 28.10.2011 whereby, while granting interim stay of all further proceedings pursuant to the show cause notice issued by the District Collector, Hyderabad dated 11.10.2011, the petitioners were directed not to alienate, create third party rights or change the nature of the land until further orders.

In the affidavit, filed in support of the Contempt Case, the petitioners allege that the 2nd respondent, under the instructions of the 1st respondent, came to the site on 19.11.2011 along with police force; they removed and demolished the boundaries and fencing; they threatened the petitioners' security guards to leave the site; inspite of showing the orders of the Court, the revenue authorities, under the directions of the District Collector, had removed the boundary wall, and had taken away the sign boards; and they had, thereby, wilfully disobeyed the orders of this Court.

In the counter-affidavit, filed by the Tahsildar, it is stated that the respondents have not violated the order of this Court; in fact, even in their writ affidavit, the petitioners did not state that they are in possession of the subject land, and it is covered by a compound wall; these pleas are taken, for the first time, in the Contempt Case;

the respondents have not violated the order of the Court, and have not damaged any fencing or boundary stones or the compound wall; this story has been invented by the petitioners for the purpose of filing the contempt case; the petitioners have, themselves, violated the order of status-quo by proceeding to construct a watchman's room; and as the respondents had objected to the petitioners raising such a construction, these false allegations are being made to harass them.

The averments in the counter-affidavit filed on 20.12.2011 have not been disputed by way of a reply-affidavit till date. As the very existence of a compound wall, or boundary stones, in the subject land is denied by the respondents, and it is their case that it is the petitioners who had, by seeking to construct a watchman's room, sought to violate the interim order passed by this Court, we see no reason to proceed against the respondents-contemnors under the Contempt of Courts Act.

The Contempt Case is, accordingly, closed.

Miscellaneous petitions pending, if any, shall stand closed.

There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

27th July, 2018
JSU

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Date: 27.07.2018

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