

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1735 OF 2015

ORDER :

This Contempt Case is filed alleged wilful disobedience of the order of this Court, dated 02.03.2015 in Writ Petition No. 3903 of 2015.

While disposing of the above said Writ Petition, this Court had recorded the statement made on behalf of the 5th respondent – 1st respondent herein, who is the contemnor, to the effect that he is neither interested nor intending to create any 3rd party interest on the property and directed to maintain *status quo* with regard to the revenue entries and pattadar passbooks. Thereafter, it came to light of the Court that the respondent contemnor, in violation of the order of this Court, had executed the sale deeds in favour of the 3rd parties, by suppressing the order of *status quo* as well as misrepresenting the material facts. It has also come to the notice that the respondent contemnor had got mutated his name in the revenue records.

After receipt of notice in the Contempt Case, the 1st respondent appeared and pleaded that out of ignorance of the order of this Court, he had executed the sale deeds and that he would take necessary steps to cancel the same, if sufficient time is allowed. Hence, for the said purpose, the matter was adjourned from time to time.

Now, it is submitted by the learned counsel for the petitioner as well as the 1st respondent that as many as 16 cancellation deeds have been executed / registered with the Sub-Registrar's

Office. The 1st respondent has placed before this Court the copies of the said cancellation deeds also.

However, the learned counsel for the petitioner points out that while the cancellation of the deeds had to be made as the sale deeds were executed in violation of the order of this Court, in the cancellation deeds, different reasons have been set out, hence, he apprehends that the recitals in the said documents may be used against the interests of his clients in subsequent legal proceedings. The recitals were to the effect that the cancellation deeds were executed on account of the objections raised on behalf of the other individuals, who have right in the property, thereby, giving an indication that the petitioner has some element of right in the property which is not so.

Learned counsel for the 1st respondent, on instructions, submits that this Court may record that the cancellation of the sale deeds was, in fact, made on account of the fact that they were executed in violation of the orders of this Court, in the light of the undertaking given before this Court in the contempt proceedings that such of those documents, which have been executed in violation of this Court, would be cancelled. The 1st respondent, who is present in the Court, submits that he will not make any claim and use these documents, in any manner. He further prays to condone the lapse on his part and take a lenient view in the contempt proceedings on account of execution of the cancellation deeds. The learned counsel for the petitioner also does not press the contempt petition as he is satisfied with the cancellation of the sale deeds.

In the light of the respective submissions, the Contempt Case is closed, making it clear that the 1st respondent shall not claim any right based on the recitals in the deeds executed cancelling the sale deeds executed in violation of the orders of this Court in Writ Petition No. 3903 of 2015. However, this order shall not bar the petitioner, if he has any independent right to claim in accordance with law.

CHALLA KODANDA RAM, J

05th September 2018

ksld

