

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.456 OF 2017

DATED:29-03-2018

Between:

Pamidi Naga Raju ... Petitioner

And

Mr. K. Narayana Naik
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. P.V.N. Kiran Kumar

COUNSEL FOR RESPONDENT NOS.1 and 3: G.P. for Home (AP)

COUNSEL FOR RESPONDENT NO.2: Mr. K.C. Venkata Reddy



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.05.3.2013 in W.P.M.P. No.8153 of 2013 in W.P. No.6514 of 2013.

On 16.03.2018 this Court has placed on record the submission of the learned Assistant Government Pleader for Home (AP) that following her discussion with the respondents, the latter have agreed that the petitioner will not be prevented from using the land except to the extent of the Police Station and the space reasonably required for parking one or two four wheelers and a few two wheelers, apart from the ingress and egress to the Police Station. She had requested for an adjournment to enable respondent No.1 to file an affidavit to this effect. Accordingly, respondent No.1 has filed an affidavit wherein he has *inter alia* stated as under:

“3. It is submitted that as stated in the counter affidavit in CC No.456/17, that the Pedanandipadu Police Station is in existence in Sy. No.83/2 of Pedanandipadu Village & Mandal to an extent of 4½ cents apart from the space for ingress and egress to the Police Station, since the year 2001, as per the directions of the Hon’ble Court in WPMP No.8153/13, in W.P.No.4514/13, dt.05.03.2013. The petitioner is free to enter into the remaining land in Sy. No.83/2 of Pedanandipadu Village & Mandal, except the existing police station and space for its ingress and egress. Thus, the police department never caused obstruction to the petitioner to enter into the land in Sy. No.83/2, except Ac.0.4½ cents, i.e., Pedanandipadu P.S., building and space for ingress and egress, including minimum parking space.

4. It is further submitted that the petitioner has filed another W.P. No.7491/17 before the Hon'ble Court, praying to declare the action of the District Collector, Guntur District, including the land in an extent of Ac.0.70 cents in Sy. No.83/2 of Pedanandipadu Village and Mandal, Guntur District, in the prohibitory lands list furnished by him under Section 22-A(1)(b) of the Registration Act 1908 as Police Quarters even though the title and possession of the petitioner was upheld by this Hon'ble Court vide Judgment and Decree dated 07.07.2010 in S.A. No.80 of 2010 and the Draft Declaration issued by the respondent No.3 under Section 6 of the Land Acquisition Act 1894 was set aside by this Hon'ble Court vide order dated 23-01-2012 made in W.P. No.5975 of 2012 and confirmed in W.A. No.914 of 2013, vide order dated 03.07.2013 as arbitrary, illegal and contrary to the well established legal principles and violative of fundamental rights guaranteed to the petitioner under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the same in respect of the land in an extent of Ac.0.70 cents in Sy. No.83/2 of Pedanandipadu Village and Mandal, Guntur District, belongs to the petitioner. The Hon'ble Court was pleased to dispose of the W.P. No.7491/17, on 03.04.2017, directing the respondents therein to acquire the land to an extent of constructed area of police station. Thus, the police department never caused obstruction to the petitioner to enter into the land in Sy. No.83/2, except Ac.0.4½ cents, i.e., Pedanandipadu P.S., building and space for ingress and egress, including the minimum parking space."

In the light of the sworn statement of respondent No.1, as reproduced above, this contempt case is closed, however, with liberty to the petitioner to file a fresh contempt case, in the event the respondents violate their undertaking given in the above reproduced paragraphs of the counter affidavit of respondent No.1.

C.V. NAGARJUNA REDDY, J

29-03-2018

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