

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.857 of 2014

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed in W.P.No.10870 of 2014 dated 10.04.2014 whereby this Court directed the respondent herein viz, the Assistant Commissioner of Endowments, Hyderabad to consider the petitioner's representation under Section 83(1) of the Andhra Pradesh Charitable & Hindu Religious Institutions & Endowments Act, 1987 (for short "the Act"), to take a decision whether or not a report should be submitted by the Endowments Tribunal having jurisdiction, and communicate his decision to the petitioner.

In the additional counter-affidavit filed by him, the Assistant Commissioner of Endowments, Hyderabad states that on 26.03.2014, even prior to the filing of the writ petition, the Executive Officer was directed to issue notices to encroachers under Section 83 of the Act, and to file eviction cases against them; after receipt of the order of this Court, the Executive Officer was again directed to file eviction cases against the encroachers; several letters were addressed to the Tahsildar, Rajendra Nagar Mandal on 07.05.2014, 20.06.2014, 04.08.2014, 06.11.2014, 09.01.2015, 03.03.2015, 13.06.2015, 22.09.2015, 04.11.2015 and 29.02.2016 to depute a surveyor, to conduct survey of the land in Survey Nos.157 and 158 of Attapur Village, and to fix the boundaries; a letter dated 24.05.2014 was addressed to the Deputy Director of Survey and Land Records, Hyderabad to survey and fix boundaries; a letter dated 05.03.2015 was also addressed to the District Collector to cause a survey; and unless survey is conducted, no proper encroachment case can be filed under Section 83 of the Act.

The revenue officials are not parties to the writ petition and, despite an opportunity being granted, no steps have been taken by the petitioner

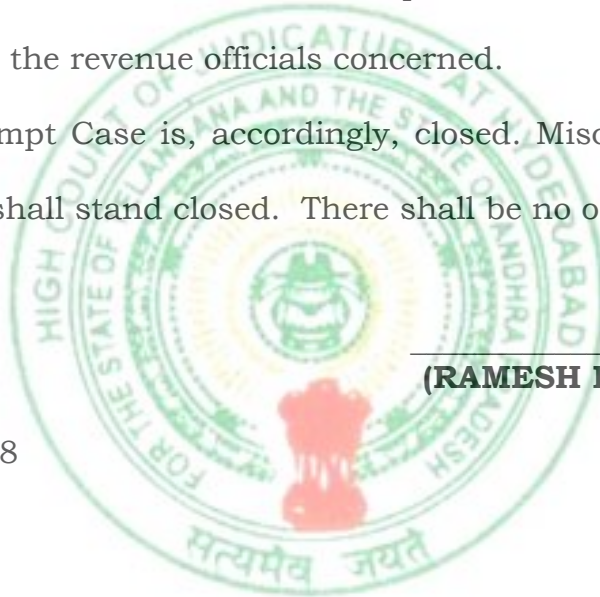
to array them as respondents. The direction which this Court issued to the Assistant Commissioner was to consider the petitioner's representation, and examine whether proceedings could be instituted before the Endowments Tribunal. As the Assistant Commissioner states that it is only after a survey is caused of the subject land, and boundary stones are fixed, can the extent of encroachment be determined for a report to be filed under Section 83 of the Act, he cannot be said to have wilfully and deliberately violated the order passed by this Court.

I see no reason, therefore, to proceed against the respondent herein under the Contempt of Courts Act. Needless to state that the order now passed by this Court shall not disable the petitioner from availing his legal remedies against the revenue officials concerned.

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)

10th August, 2018
JSU



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Contempt Case No.857 of 2014

Date: 10.08.2018

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