

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.1284 OF 2017

ORDER

Alleging violation of order passed by this court in W.P.No.29788 of 2016 dated 15.09.2016, the present contempt case is filed.

The operative portion of the said order reads as under:

“Since the petitioner’s application dated 16.06.2016 is pending before the 2nd respondent, the 2nd respondent is directed to consider the same in terms of clause 6 (iii) of Rc.E3/1584/13 dated 28.11.2015 since it is stated that Chief Commissioner of Land Administration is the authority for scrutinizing the proposal where the value of the land is more than Rs.50 lakhs and pass appropriate orders in accordance with law within a period of six (06) weeks from the date of receipt of a copy of this order and thereafter Chief Commissioner of Land Administration is to take appropriate action in accordance with law.”

In the counter affidavit filed by the respondent, while referring to the correspondence with the petitioner and the letter addressed by the respondent to the Chief Commissioner of Land Administration, dated 26.10.2017, for passing suitable orders on the request of the petitioner for issuance of NOC in terms of G.O.Ms.No.307 Revenue, dated 06.06.2013, it is stated that the order passed by this court has been complied with.

Learned counsel for the petitioner submits that the market value of the subject is Rs.4,00,000/- per acre, but the respondent has shown it as Rs.9,00,000/- in the letter addressed to the Chief Commissioner of Land Administration. He stated that this court by order dated 15.09.2016 directed the respondent to consider the application of the petitioner within six weeks and the said period expired on 1.11.2016, but the respondent addressed letter

on 26.10.2017, which is beyond the period prescribed, and this amounts to clear violation of order passed by this court.

The learned Assistant Government Pleader submits that the petitioner was asked to obtain pattadar pass books and title deeds and the same was submitted on 25.04.2017 and the respondent called for report from the lower authorities and in that process, letter could be addressed to the Chief Commissioner of Land Administration on 26.10.2017 and that matter is presently before the said authority.

Since the Chief Commissioner of Land Administration, is not a party to the writ petition or to this contempt proceedings, this court suggested for impleadment of the said authority. But the learned counsel for the petitioner submits that the petitioner is not inclined to implead the Chief Commissioner of Land Administration.

It is to be seen that this court in the writ petition directed the respondent to consider the application of the petitioner in terms of proposals submitted to the Commissioner of Land Assignment, Hyderabad as per Clause 6 (iii) of Rc.E3/1584/13 dated 28.11.2015. It is submitted that since the Revenue Divisional Officer on enquiry found the market value of the land as Rs.9,00,000/- per acre, exceeding Rs.50,00,000/-, matter was placed before the Commissioner. The counsel for the petitioner disputed the market value. Clause 8(iii) of G.O.Ms.No.307 dated 06.06.2013 regarding fixation of market value reads as follows:

“The District collector is competent to issue “NOCs” for the lands where market value is less than Rs.50.00 lakhs. The market value shall be fixed based on the prevailing market value as arrived at by conducting local enquiry by the Tahsildar / RDO / Joint Collector

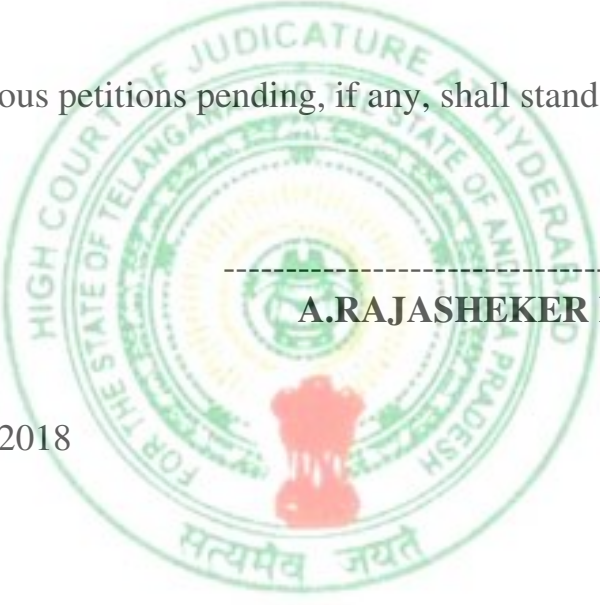
concerned. The market value thus fixed shall not be less than the basic value of the registration department.”

In view of above clause, referring the matter to Chief Commissioner of Land Administration, cannot be faulted.

As such, this court, under the contempt proceedings, cannot go into the disputed questions of fact relating to market value of the land, or with regard to the merits in the proceedings dated 26.10.2017.

In view of above facts and circumstances, I do not find any violation of the order passed by this court and the contempt case is dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.



A.RAJASHEKER REDDY,J

DATE:15—02—2018

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