

HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.1348 of 2017

ORDER:

Heard Mr.C.Prakash for petitioner and the learned Government Pleaders for Land Acquisition and Irrigation.

The respondents are present.

One Mr.T.Manjunatha Reddy S/o.T.Ramakrishna Reddy, the petitioner in W.P.No.10997 of 2016, complains disobedience of order, dated 25.11.2016 in W.P.No.10997 of 2016.

In the docket order, dated 02.02.2018, the circumstances leading up to the filing of writ petition and also the acceptance of undertaking given by the 1st respondent herein, have since been adverted to, this Court to avoid repetition of the very same details, does not refer to them once again.

Briefly stated, the complaint of petitioner is that the respondents passed Award dated 01.05.2017 and not communicated the copy of award to petitioner, however, have entered possession of land in Sy.No.10/5, identified and subdivided as 10/5-A in an extent of Ac.2-43 cents, without paying compensation to petitioner. Therefore, the respondents have violated the undertaking given to this Court in W.P.No.10997 of 2016.

The respondents have filed counter affidavits and also annexures evidencing adherence to procedure said to have been followed by respondents. The annexures filed by

respondents come in aid to the respondents as a blessing in disguise and show that the procedure has been initiated against a dead person namely T.Laxmamma and award was passed against a dead person. Reference is made in favour of a dead person for participation before competent authority. The 1st respondent being satisfying with the infirmity noted above submits that award passed against a dead person is void in the eye of law, that by hearing the petitioner, an award in the name of T.Manjunatha Reddy would be passed within 15 days from today.

Mr.Prakash requests hearing and another opportunity to file representation before the Joint Collector.

The request is accepted.

With the consent of parties, the liberty is given to petitioner to appear before the Joint Collector on 22.03.2018 around 11.00 a.m. The petitioner can file additional representation on his entitlement, compensation etc. The 1st respondent revives and also takes note of the objections filed by petitioner and ensures passing of an award within 15 days from today. The date of passing of award is also intimated to petitioner before hand and as required by law, the copy of award is tendered together with compensation. It is always open to petitioner to act in accordance with law, including receiving compensation under protest and also seek for reference to competent authority.

Though the case presents a few circumstances, which are required to be considered by the Court in the exercise of its power under Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, since the Officers have fairly stated the inadvertent mistake ought to have been duly taken care of and avoided, while passing award, pursuant to the order of this Court, this Court does not propose to consider whether complaint against respondents is a technical contempt or substantive contempt.

By placing the stand expressed by the 1st respondent, the Contempt Case is closed, for the respondents undertake to act in accordance with law.

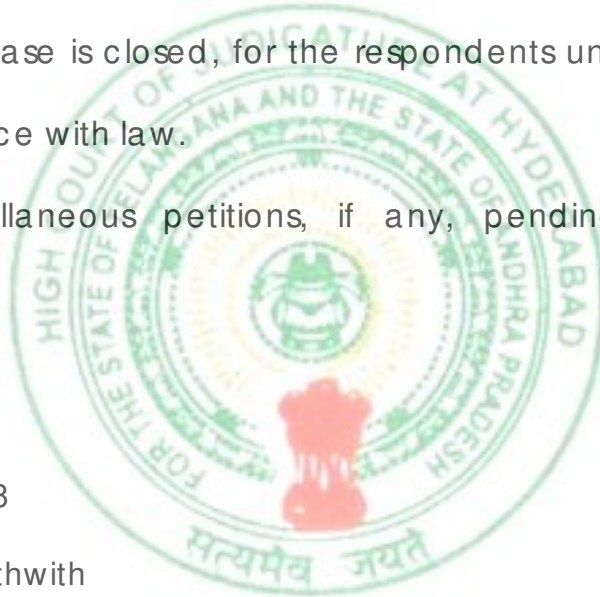
Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 20-03-2018

Note:

Issue C.C. forthwith
(B/o)
Prv

S. V. BHATT, J



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20-03-2018

Prv