

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.950 of 2018

ORDER:

This contempt case was instituted alleging wilful disobedience to the order dated 17.06.2015 passed by this Court in W.P.M.P.No.22545 of 2015 in W.P.No.17421 of 2015. By the said order, this Court took note of the fact that the petitioners had placed material on record, including a property tax receipt, which indicated their possession over the subject property, and directed the respondent authorities not to interfere with their possession over the said property except in accordance with the due procedure laid down by law. The complaint of the petitioners in the present contempt case is that the authorities interfered with their possession on 28.02.2018 and demolished their house.

In the counter-affidavit filed by him, the Tahsildar, Bellampally Mandal, Mancherial District, categorically stated that the authorities did not interfere with the possession of the petitioners or demolish their house either on 28.02.2018 or on any other day. He further stated as under:

“It is submitted that now the petitioners are trying to encroach the government land in survey No.3 taking advantage of the interim order passed by this Hon'ble court that they are in possession of the houses and lands to the extent of 23 Gts and 20 Gts, that the land in survey No.3 Paiki is located very near to the national high way leading from Hyderabad to Chandrapur of Maharastra State, the railway track is also existing very near to the land.”

Perusal of the photographs filed along with the contempt case demonstrates that there was demolition activity in relation to some structure but no individuals are seen in the said photographs. It is therefore difficult for this Court to decide on the strength of the word of

the petitioners as against the word of the Tahsildar as to who undertook the said demolition activity.

In the light of the categorical statement made by the Tahsildar, Bellampally Mandal, to the effect that the authorities neither interfered with the possession of the petitioners nor resorted to any demolition activity, the contempt case is closed taking on record the said statement. No order as to costs.

JUSTICE SANJAY KUMAR

27th July, 2018
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