

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI

CONTEMPT CASE NO.1043 OF 2018

ORDER

(Per Hon'ble Sri Justice Sanjay Kumar)

This contempt case was instituted alleging willful and wanton violation of the order dated 14.12.2017 passed by this Court in C.C.No.2314 of 2016 in W.A.No.105 of 2014. By order dated 28.01.2014 passed in W.A.No.105 of 2014, this Court refused to interfere with the order dated 30.07.2013 of a learned Single Judge in W.P.No.19352 of 2013 holding that the appellant/petitioner had to approach the appropriate authority in relation to the order of resumption passed by the authorities. While dismissing the writ appeal, this Court merely clarified that in the event the appellant/petitioner was in possession factually, then he should be ousted with due process of law. Alleging disobedience to this order, the appellant/petitioner filed Contempt Case No.2314 of 2016 before this Court. The said contempt case was closed, *vide* order dated 14.12.2017 taking note of the report dated 28.11.2017 submitted by the Secretary-cum-Senior Civil Judge, District Legal Services Authority, Khammam, certifying that the petitioner was in possession of the land as on date and was cultivating it by raising cotton and red-gram crops. This Court adverted to the order dated 28.01.2014 passed in W.A.No.105 of 2014 and affirmed that the authorities would necessarily have to follow the due procedure laid down by law. This Court also made it clear that in the event the authorities resorted to either use of unlawful force to dispossess the petitioner or make false claims before this Court again, there would be penal consequences.

The present contempt case was instituted stating that after passing of the aforestated order, the Tahsildar, Raghunadhapalem Mandal, issued notice dated 12.02.2018 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for brevity, 'the Act of 1905') calling upon the petitioner to show cause as to why action should not be initiated against him under Section 6 thereof for encroaching upon the land in question. The petitioner stated that he submitted his written

explanation dated 20.02.2018 to the Tahsildar, Raghunadhapalem Mandal, supported by relevant documents, but without passing any order, the Tahsildar and his subordinates were trying to dispossess him unlawfully.

The Tahsildar, Raghunadhapalem Mandal, filed a counter stating that after initiation of the proceedings under the Act of 1905, the petitioner filed W.P.No.12707 of 2018 before this Court challenging the notice dated 12.02.2018 issued thereunder and by order dated 13.04.2018, this Court granted stay of all further proceedings pursuant to the said notice. The Tahsildar stated that due to this stay order, no final orders had been passed under Section 6 of the Act of 1905. He further stated that he never tried to dispossess the petitioner and denied the allegation that he was always threatening the petitioner with dispossession.

In the light of the aforestated pleadings, it is clear that the petitioner has already secured stay of proceedings under the Act of 1905. We find no material to substantiate the allegation of the petitioner that the respondents are trying to dispossess him without following the due procedure laid down by law. In such circumstances, no grounds are made out for exercise of contempt jurisdiction.

The contempt case is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed.

SANJAY KUMAR, J

J. UMA DEVI, J

29th JUNE, 2018

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