

THE HON'BLE SRI JUSTICE S.V.BHATT

C.C.No.1399 of 2017

ORDER:

Heard Mr.K.V.Bhanu Prasad for petitioners and the learned Assistant Government Pleader for respondents.

The present contempt case is filed complaining disobedience of order dated 18.03.2014 in W.P.No.3982 of 2010.

The operative portion of the order reads thus:

“I have perused the record and it reveals that the respondents without regard to array of parties in appeal/writ petition proceeded in the matter by issuing notice to dead person.

Further, the chronology of dates referred to above clearly discloses that the respondents were aware of the demise of the declarant viz., M.Narasimha Reddy. His legal representatives were brought on record during the pendency of the writ petition and the appellate authority issued notice to the legal representatives of declarant. The appeal was not finally disposed of. If the respondents intended to take possession, they ought to have served notice on the legal representatives of M.Narasimha Reddy and proceeded in the matter. The decisions referred to above squarely apply to the facts of the case on hand. The proceedings impugned in the writ petition suffer from patent illegality and are directed against dead person. Hence, they are set aside.”

Briefly stated, the disobedience now complained by the petitioners is that the respondents, notwithstanding the communication of letter No.H1/7422/76, dated 28.02.2014 to the Commissioner and Inspector General, Stamps and Registration, are not allowing the owners to enjoy as full owners of the plots in the land covered by urban ceiling declaration in CC.No.H1/7422/76 and such approach amounts to disobeying the order of the Court.

This Court ordered notice and in response to the notice, the Special Deputy Collector/respondent No.2 filed counter affidavit and also Memo dated 02.02.2018. Through Memo dated 02.02.2018, the respondents placed on record letter No.J/618/2017, dated 18.12.2017 and 20.12.2017 addressed to the Commissioner, HMDA, the Commissioner and Inspector General, Stamps and Registration respectively.

The gist of the two letters is that the 2nd respondent for all purposes does not treat the land covered by file No.H1/7422/76 as ceiling surplus land stood vested in the Government. Therefore, according to respondents, the disobedience complained is unsustainable and secondly, the cloud, if any, in the implementation of the order of this

Court has arisen, the same is erased with the letters dated 18.12.2017 and 20.12.2017.

I have perused the letters immediately referred to, and *prima facie*, I am of the view that the contempt complained in the case need not be pursued. The petitioners are at liberty to apply for building permission etc., before the Commissioner, HMDA and present the document for registration, for the property covered by W.P.No.3982 of 2010 and are also given liberty to enclose the order of this Court both in writ petition and contempt case together with all the letters referred to above for implementation by the authorities.

The difficulty in any form, is encountered, the petitioners can always work out the remedies within four (04) corners of law including the remedy to recall this order.

With the above observation, the contempt case is closed. No order as to costs.

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

S. V. BHATT, J

Dt: 13.03.2018
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