

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.921 of 2014

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P.No.23390 of 2013 dated 16.08.2013.

The writ petition was filed questioning the action of the respondents, in threatening to dispossess the petitioners from the subject lands without notice, as being illegal and arbitrary. The writ petition was disposed of recording the submission of the learned Government Pleader that a part of the land, in the subject survey numbers, was Government land, and the remaining part was private land; a survey was conducted in July to fix the boundaries of the proposed road; and other than the land, which belongs to the Government, the remaining extent of land would be acquired from the villagers either with their consent or under the Land Acquisition Act.

In terms of the submission made by the learned Government Pleader, as recorded in the order in W.P.No.23390 of 2013 dated 16.08.2013, it is only if the road were to be laid in the petitioners' land, were the respondents obligated to acquire the same. In the counter-affidavit filed in the contempt case, on behalf of the respondents, it is stated that a retaining wall was constructed to the right bank side of the Vepa Canal, in the vicinity of the petitioners' land, by the Irrigation Department; they had completely removed the soil which was strewn on the petitioners' land, after completing construction of the compound wall; and there are no traces of any soil on the petitioners land.

Sri P.Durga Prasad, learned counsel for the petitioners, would submit that the very act of dumping soil on the petitioners' land, for construction of a retaining wall, is itself in violation of the order of this Court.

All that was recorded, in the order in W.P.No.23390 of 2013 dated 16.08.2013, is that the respondents would not dispossess the petitioners from the subject land for the purpose of laying a road; and, if need be, they would acquire the said land in accordance with law. The mere fact that soil was dumped on the petitioners' land, for construction of retaining wall, would not amount to violation of the order passed by this Court, much less wilfully and deliberately. In any event, even the soil strewn on the petitioners' land is said to have been removed subsequently. We see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act.

The Contempt Case is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

20th July, 2018
JSU



(RAMESH RANGANATHAN, J)

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN



Contempt Case No.921 of 2014

Date: 20.07.2018

JSU