

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**CONTEMPT CASE No.1539 of 2018**

**ORDER:**

This Contempt Case is filed alleging violation of order, dated 05.03.2018 passed by this Court in Writ Petition No.6812 of 2018.

The allegation against the first respondent is that he issued a notice to the petitioners by invoking the provisions of the Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act') with respect to their eviction from the subject premises on the ground that they encroached the Government land, but, he had failed to pass a reasoned order in terms of Section 6 of the Act.

The Act mandates issuance of a preliminary notice under Section 7 and thereafter, passing a reasoned order under Section 6 which order is appealable. From this, it is clear that only after passing a reasoned order under Section 6 of the Act, further action i.e., eviction of the encroacher from the ground would arise.

In the case on hand, it is an admitted fact that notice was given to the petitioners with respect to demolition of the subject premises, but, without passing any reasoned order, the first respondent directly with the help of the law enforcing authorities had evicted the petitioners from the subject premises. It is also an admitted fact that in the process of such eviction, certain belongings of the petitioners were kept in the custody of the respondent authorities. However, today, when the matter is taken up, learned counsel for the petitioners submits that such belongings have been handed over to the petitioners but there is some damage caused to certain of them.

An additional counter-affidavit is filed by the first respondent stating that he is not aware of the procedure that is required to be followed particularly, passing of a reasoned order in terms of Section 6 of the Act and thereby, tendered his unconditional apology.

Though this Court cannot countenance such submission, particularly, considering the fact that the first respondent, who was holding the post of Tahsildar, had retired from service and expressed unconditional apology, this Court does not consider it appropriate to proceed any further with the Contempt Case

except making it clear that he cannot plead ignorance of law as it would not save him from any of such actions.

Accordingly, this Contempt Case is closed. However, this order does not preclude the petitioners from claiming damages in accordance with law.

Miscellaneous Petitions, if any pending shall stand closed.  
There shall be no order as to costs.

12<sup>th</sup> NOVEMBER, 2018.

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**CHALLA KODANDA RAM, J**

