

THE HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.1752 of 2017

ORDER:

Heard Mr.C.Ramesh Sagar, counsel for petitioner and Mr.Raja Sripati Rao, learned Government Pleader for Land Acquisition for respondents.

The instant contempt case is filed complaining disobedience of the interim direction dated 23.01.2017 in W.P.No.2158 of 2017. The interim direction reads thus:

“At request of respondent Nos.5 & 6, post on 03.02.2017.

The respondent Nos.5 and 6 are directed to depute a Surveyor to the subject matter of the writ petition, prepare a plan showing approved four-line route; the road now executed by National Highway Authority, and the survey numbers through which it is passing with exact measurements.”

The instant contempt case is filed complaining that the survey was not conducted as directed by this Court, particularly by referring to the approved road by National Highway Authority. The change of alignment, which is crux of the contest between the parties, inspite of categorical direction is not taken note or considered by the respondents. Firstly, the interim direction is disobeyed,

secondly, even if a survey is conducted, the survey is not conducted as directed by this Court.

On 01.09.2017, this Court ordered notice to respondents. The respondents filed counter affidavit and the petitioner filed reply as well. The 2nd respondent replying to the allegation of disobedience states as follows:

“In reply to the averments made at paragraphs-2 to 7 of the petitioner’s affidavit, it is submitted that, in accordance with the Interim Orders of the Hon’ble High Court, the Survey Authorities were directed to conduct the survey to the subject matter of the writ petition, prepare a plan showing the approved four-line route, the road not executed by the National High Way in Survey Numbers 75, 76 and 77 of Chinthagattu villae, Hasanparthy Mandal through which it is passing with exact measurements. The Surveyor had issued notices and conducted Survey on 30.05.2017 by showing the lands which are coming under alignment and the exact measurements details are shown hereunder in which the applicant’s lands coming under approved alignment of NHA and action will be initiated for payment of compensation to the land owners the award in favour of the land owners accordingly.

Sy.No.	75	Ac.02.14gts	9510.45 Sq.Mtrs
Sy.No.	76	Ac.02.34gts	11533.956 Sq.mts,
Sy.No.	77	Ac.02.10gts	9105.75Sq.mts

and reported compliance.

Counsel for petitioner, no doubt tries to persuade the Court that interim direction can be stated to be complied with, if only a survey is conducted, first by preparing a plan showing the approved four-line route; the road now executed by National Highway Authority and the survey numbers through which it is passing with exact measurements. According to him, the survey has not been conducted according to the approved four-line route. Therefore, there is disobedience.

On the contrary, the reply of 2nd respondent is that the survey was conducted showing the lands coming under alignment and the exact measurements, details etc., shown in the survey report. According to the 2nd respondent, the lands of petitioner come under the approved alignment of National Highway Authority.

Having regard to nature of compliance report, this Court is satisfied that disobedience complained does not come within the definition of Contempt of Courts or willful disobedience etc. The writ petition is still pending. The petitioner, if aggrieved by the mode and manner of conducting survey by the respondents can certainly

workout the prayer in the main writ petition. Contempt case fails and dismissed accordingly. No order as to costs.

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

S. V. BHATT, J

Dt: 02.02.2018

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