

THE HON'BLE SRI JUSTICE P.V.SANJAY KUMAR

C.C.No.1341 of 2018

ORDER:

This contempt case was instituted alleging willful disobedience to the order passed by this court on 07.07.2015 in W.P.M.P.No.26615 of 2015 in W.P.No.20665 of 2015. The prayer of the petitioner in W.P.M.P.No.26615 of 2015 in W.P.No.20665 of 2015 reads as under:

“Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to direct the 5th respondent not to interfere with the possession of the petitioner with respect to land of an extent Ac.9.00 cents in Sy.No.230/1 in Krishnapuram village, Boodavada Panchayat, Marripadu Mandal, SPSR Nellore District, by setting aside the notice in RCB 1553/2015 dated 18.05.2015, pending disposal of W.P.No.20665 of 2015 on the file of the High Court”.

2. Thereupon this court passed order dated 07.07.2015, as follows:

“It is stated that earlier, the Revenue Divisional Officer, Kavali, rejected the appeal filed by the sixth respondent under order dated 09.05.2011 and that the same has attained finality.

In that view of the matter, it is inexplicable as to how the Revenue Divisional Officer, Athmakur, seeks to reopen the matter under the impugned enquiry notice. There shall accordingly be interim stay of all further proceedings pursuant to the said notice”.

3. It is therefore clear that the interim order passed by this court was in the context of the Revenue Divisional Officer, Athmakur, re-opening the matter in relation to the claim of the 6th respondent in the writ petition, one Pasarlaputi Venkata Subramanya Siva Prasad. While so, in para 5 of the affidavit filed in support of this contempt case, the petitioner states that on 18.05.2018, the Tahsildar, Marripadu mandal, SPSR Nellore district, came to his land along with the Mandal Surveyor, Revenue Inspector and the Village Revenue Officer, stating that the Revenue Divisional Officer had directed them to evict the petitioner from the land, as the said land was a government land. The issue as to whether the government has any claim over the land in question never fell for consideration before this court in W.P.M.P.No.26615 of 2015 in W.P.No.20665 of 2015, when it passed the order dated 07.07.2015. This aspect of the matter would therefore

fall beyond the scope of the interim order to which disobedience is presently alleged.

4. The contempt case is therefore wholly misconceived and is accordingly dismissed. No order as to costs. This order shall not preclude the petitioner from availing appropriate remedies in accordance with law before the appropriate forum.

(P.V.SANJAY KUMAR,J)

Date: 15.06.2018

msb

