

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE D.V.S.S.SOMAYAJULU

CONTEMPT CASE No.1732 of 2018

20.07.2018

Between:

Ishaq Akbar Khan and others

..Petitioners

and

The Commissioner,
Municipal Corporation of Hyderabad,
Hyderabad and others

..Respondents

Counsel for the petitioners: Ms.Priyanka Singh for Mrs.K.Udaya Sri

Counsel for the respondents: --

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This contempt case is filed alleging willful disobedience of order, dated 13.04.2018, in W.P.No.26022 of 2009.

2. We have heard the learned counsel for the petitioners and perused the record.

3. By the aforementioned order, this Court has quashed order, dated 17.11.2009, in I.A.No.1001 of 2009 in L.G.C.No.126 of 1995 passed by the Special Court under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (for short 'the Special Court') holding that the petitioners are entitled to recover the retainable extent of the land under the Urban Land (Ceiling and Regulation) Act, 1976 and that they are entitled to recover possession of the entire extent of land in respect of which the eviction order was passed by the Special Court. Alleging that the petitioners' representation to the respondents for handing over possession in terms of the aforementioned order of this Court is not considered by the respondents and possession is not handed over to them, the writ petitioners filed this contempt case.

4. In our opinion, this contempt case is not maintainable as this Court while allowing the writ petition and setting aside the order of the Special Court as referred to above has not issued any peremptory direction to the respondents to handover possession of

the land to the petitioners. Indeed, the scope of W.P.No.26022 of 2009 did not permit grant of such a direction. In the absence of any such directions, inaction of the respondents on the petitioners' representation for handing over possession does not constitute contempt. However, the petitioners are entitled to avail appropriate legal remedies for effectuating order, dated 07.04.2011, in W.P.No.5711 of 2011 arising out of the order of the Special Court in order to recover possession of the L.G.C. schedule property as observed in paragraph 16 of the aforementioned order in W.P.No.26022 of 2009.

5. Subject to the liberty given to the petitioners as above, the Contempt Case is dismissed.

6. As a sequel to dismissal of the Contempt Case, I.A.Nos. 1 and 2 of 2018 filed by the petitioners stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

D.V.S.S.SOMAYAJULU, J

20th July, 2018
 GHN

