

HON'BLE SRI JUSTICE S.V.BHATT

C.C. No.1488 OF 2018

ORDER:

The contempt case is filed complaining disobedience of order dated 27.06.2017. The petitioner filed W.P. No.20630 of 2017 praying for declaration that the threatened actions of respondents 2 to 4 in interfering with petitioner's possession in an extent of Ac.2.70 cents in Survey No.85/4 of 4, Rajupeta, Ramakuppam Mandal, Chittoor District, as illegal and unconstitutional.

On 27.06.2017 referring to written instructions, writ petition No.20630 of 2017 was disposed of as follows"

"Learned Assistant Government Pleader on instructions submits that 4th respondent is not interfering with physical possession of the land in an extent of Ac.2.70 cents in S.No.85/4 of 4 Rajupeta, Ramakuppam Mandal, Chittoor District and if at all any action is to be initiated for cancellation of patta or resumption of possession, the action will be strictly in accordance with law. The statement is placed on record and accepted.

The writ petition is disposed of accordingly. No order as to costs. Pending Miscellaneous petitions if any in this writ petition shall stand dismissed in consequence."

Now the contempt case is filed complaining that the respondent in collusion with some real estate business people has made efforts to issue pattas to individuals and disturb petitioner's possession without following due process of law. The respondent is violating the orders of this Court which clearly constitutes contempt of Court.

Notice was ordered. The Tahsidar filed counter affidavit. To appreciate the allegation of contempt much less wilful or

deliberate disobedience of order of this Court, the reply of respondent is excerpted.

“As the petitioner kept the land vacant without doing any cultivation and residing elsewhere, the Joint Collector issued notice dt. 18.6.2018 to the petitioner requesting him to attend before him for enquiry on 23.6.2018. The said notice was served on the petitioner on the same day through the Village Revenue Officer, Rajupet. Immediately, he approached this Hon’ble Court and filed the present contempt case on 22.6.2018 alleging that this respondent in collusion with some real estate people, making efforts to issue pattas to the individuals and disturbing his possession without initiating due process of law and without issuing any notice, which is not correct. In fact, while disposing of the writ petition itself, this Hon’ble court gave liberty to the respondents to initiate action for cancellation of patta or resumption of possession by following due process of law. Hence, there is no violation or disobedience much less wilful disobedience on my part for the orders passed by this Hon’ble Court.”

From the reply of respondent, it is clear that the contempt case is completely misconceived and the respondent or for that matter, the Joint Collector issued notice for resuming the land. The petitioner firstly can contest the resumption proceedings before the competent authority and secondly, if adverse order is passed, the same can be assailed either before the appellate authority/revisonal authority or before this Court under Article 226 of the Constitution of India. The contempt case is misconceived and dismissed. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

S.V.BHATT,J

Date:30.07.2018
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