

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.884 OF 2017

ORDER

This contempt case is filed alleging violation of the order passed by this court in W.P.No.10322 of 2017 dated 30.03.2017.

This court by common order dated 13.03.2017 in W.P.Nos.10972 of 2007 and 7283 and 10322 of 2017, disposed of the writ petitions as under:

“In view of the same the Assistant Director, Survey and Land Records is directed to conduct survey for demarcation of Survey Nos.4,8 and 9 by giving notices to the petitioners in W.P.No.10322/2017 and 7283 of 2017. On such notices being issued by the respondents, it is for the petitioner – association to inform all its members about conducting of survey. If any member of the Association has objection they can file their objections before the Assistant Director, Survey and Land Records and the Assistant Director shall take those objections into consideration while conducting survey. Since this court on 09.07.2007 has granted stay of allotment of houses insofar as the land comprised in Survey Nos.8 & 9, in WPMP.NO.13732 of 2007 in W.P.No.10972 of 2007, the same shall continue till the survey is conducted by the Assistant Director. After survey is conducted, the 4th respondent – Mandal Revenue Officer / Tahsildar, shall consider the explanation of the petitioner – Association which was already submitted in pursuance of the notice dated 05.07.2014 issued under Section 7 of the Land Encroachment Act, 1905, in accordance with law, and take action by following due process of law.”

The learned counsel for the petitioner, based on the averments made at paragraph No.10 of the affidavit filed in support of the petition, submits that representatives of both the respondents entered the premises in question on 08.04.2017, which is a holiday, and started excavating the land, for second time, for soil testing, as such they have violated the orders passed by this court.

Heard learned Assistant Government Pleader for Revenue, who based on averments made in counter affidavit, would submit that as per the directions of this court, survey was conducted under panchanama and the respondents found certain encroachments.

It is to be seen that as per order in writ petition extracted above there is stay of allotment till the survey is conducted. It is not the case of the petitioner that pending survey, any allotment was made in Sy.Nos.8 and 9. No proceedings were also brought to the notice of this court that any allotment was made in Sy.Nos.8 and 9 and it is not the case of the members of the petitioners' – association, they were dispossessed without following due process of law.

In view of the same, I do find any violation of the orders passed by this court.

The contempt case is accordingly dismissed.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:06—02—2018
AVS

