

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE N.BALAYOGI

L.P.A.Nos.3 and 4 of 2018

COMMON JUDGMENT: {Per Hon'ble Sri Justice Ramesh Ranganathan }

Both these appeals, under Clause 15 of the Letters Patent, are preferred against the orders passed by the Learned Single Judge in C.C.Nos.1373 of 2017 and C.C.No.1348 of 2017 respectively dated 20.03.2018. It would suffice, for the disposal of both these appeals, if the facts in L.P.A.No.3 of 2018 are noted.

The appellants herein are the petitioners in C.C.No.1373 of 2017 and in W.P.No.10848 of 2016. W.P.No.10848 of 2016 and batch was disposed of by a common order dated 25.11.2016 recording the submission of the learned Government Pleader that possession or the physical features of the subject land would not be disturbed or changed except by following the procedure stipulated by law, particularly after paying compensation to the petitioners therein. The Learned Single Judge made the interim order passed earlier as the final order in the writ petition. He directed the respondents not to dispossess the petitioners from the petition land or change the physical features, except by following the procedure stipulated by law. The Land Acquisition Officer was permitted to proceed in accordance with law and complete the acquisition proceedings expeditiously. The petitioners were given liberty to raise objections, if any, against the proposed acquisition; and their objections were directed to be considered in accordance with law.

Alleging non-compliance of the order passed in W.P.No.10848 of 2016 dated 25.11.2016, the appellants herein filed C.C.No.1373 of 2017. In the order under appeal, the Learned Single Judge recorded the submission, made on behalf of the Joint Collector, that they were

prepared to hear the appellants-petitioners, consider their claims and pass orders in accordance with law. The Learned Single Judge granted the appellants-petitioners liberty to appear before the Joint Collector on 22.03.2018 around 11:00 am, file a representation, and also produce the original documents which the appellants-petitioners were relying upon to claim compensation. The Joint Collector was directed to consider the representation and documents filed by the appellants-petitioners, and pass orders as were deemed right in the circumstances, according to law, and keeping in view the directions issued by the Court in W.P.No.10848 of 2016. The said exercise was directed to be completed within 15 days. The Learned Single Judge observed that, if the Joint Collector decided that the appellants-petitioners were entitled to receive compensation, he should tender compensation along with the orders that were passed in this behalf. Aggrieved thereby, the present appeal.

Sri C.Prakash, learned counsel for the appellants, would submit that the respondents were digging a canal contrary to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short “the 2013 Act”); no preliminary notification was issued under the 2013 Act; and the appellants’ possession was sought to be disturbed in the process.

The jurisdiction exercised by this Court, under the Contempt of Courts Act, 1971 (for short “the Act”), is extremely limited. In proceedings thereunder the scope of enquiry by this Court is limited to whether the respondents-contemnors have violated the orders passed in the writ petition; whether such violation is wilful and deliberate; and, if so, the nature and extent of punishment to be imposed. In contempt proceedings, this Court would not undertake an examination of the dispute on merits, or give a direction other than in the exercise of its

jurisdiction to punish for contempt. The directions issued by the Learned Single Judge in the order under appeal, in fact, go beyond the scope of the provisions of the Act. The appellants have preferred this appeal seeking a further direction apart from what the Learned Single Judge has granted under the order under appeal. As no such order could have been passed, in contempt proceedings, it goes without saying that no such order can be passed in an appeal preferred thereagainst.

Both these Letters Patent Appeals are wholly misconceived and are, accordingly, dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

(N.BALAYOGI, J)

02nd August, 2018
JSU



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Date: 02.08.2018

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