

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

CONTEMPT CASE No.1776 of 2017

DATE: 31-08-2018

Between:

B.Jayaram and another

..... PETITIONERS

AND

Sri P.S.Pradyumna,
District Collector,
Chittoor and 2 others

.....RESPONDENTS

COUNSEL FOR THE PETITIONERS: Sri V.JAGAPATHI

COUNSEL FOR RESPONDENTS : G.P.FOR LAND ACQUISITION (AP)
For RESPONDENTS Nos.1 & 2

Sri VIKRAM POOSERLA
for Respondent No.3



THE COURT MADE THE FOLLOWING:

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

CONTEMPT CASE No.1776 of 2017ORDER:

This contempt case is filed alleging willful disobedience of the order, dated 27.12.2012 in WPMP No.50592 of 2012 in W.P.No.39833 of 2012.

The operative portion of the above mentioned order reads as under:

“In the face of these undisputed facts, the petitioners cannot be deprived of the land which is sought to be utilized for expansion of Tirupati Airport without initiating land acquisition proceedings.

Therefore, the respondents are restrained from dispossessing the petitioners from the lands in question without acquiring the same under the provisions of the Land Acquisition Act.”

On behalf of respondents Nos.1 and 2, respondent No.2 filed counter affidavit, wherein he has denied the allegation that they are either interfering with the possession of the petitioners over the subject land or the petitioners are being dispossessed there from.

At the instance of the petitioners, the Director, Tirupathi Airport, Renigunta has been impleaded as respondent No.3, who filed a counter affidavit, wherein he has stated that the petitioners have neither been dispossessed nor they are any way prevented from enjoying the property. He has further stated that out of two gates, they have closed one gate for security reasons and that the petitioners will have access from the gate situated on the opposite side.

The petitioners have filed a reply affidavit to the counter affidavit filed by the 3rd respondent, wherein they have stated that as a result of

closing of the access on one side, the petitioners are being forced to travel a much longer distance to reach their agricultural fields.

The Airport Authority is not a party to the writ petition and the interim order was granted against the revenue functionaries of the State. Even according to the petitioners, the respondents have not dispossessed them, but by closing one of the ways by raising a compound wall, they are deprived of convenient use and enjoyment of their land.

In my opinion, the above aspect is not the subject matter of the writ petition or the interlocutory application, in which an interim order has been passed. If the petitioners have any difficulty in reaching their land, they need to implead the Airport Authority of India and claim appropriate relief in the writ petition. The issue raised by the petitioners falls beyond the scope of the contempt case. Hence the Contempt Case is dismissed, however, with liberty to the petitioners to implead the Airport Authority of India in the pending writ petition or file a fresh writ petition claiming appropriate relief against the said Authority. No order as to costs.

C.V.NAGARJUNA REDDY,J

Date: 31.08.2018
Dsr