

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CC.No.1912 of 2018

Date:28.09.2018

Between.

Devireddy Usha Reddy,
W/o Late Devireddy Anil Kumar
Reddy and two others.

.....Petitioners

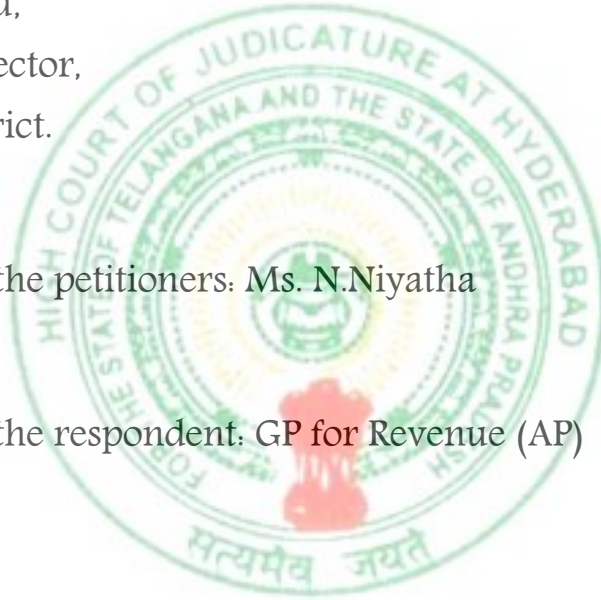
And.

Mutyala Raju,
District Collector,
Nellore District.

.....Respondent

Counsel for the petitioners: Ms. N.Niyatha

Counsel for the respondent: GP for Revenue (AP)



The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Contempt Case is filed alleging willful disobedience of order, dated 02.01.2014, in Writ Petition No.39309 of 2013.

By the afore-mentioned order, this Court has directed the respondent herein to hold a detailed enquiry after notice to the petitioners and the persons in whose favour possession certificates were issued, and pass appropriate order within a period of two months from the date of receipt of a copy of the said order. Alleging that the said order has been violated, the writ petitioners filed this Contempt Case.

The respondent filed a detailed counter-affidavit, wherein he has stated that in due compliance with the afore-mentioned order of this Court, his predecessor-in-office has held enquiry and passed an order, vide Rc.No.E3/535/14, dated 27.3.2014. Along with the counter-affidavit, the respondent has filed a copy of the said order, the operative portion of which reads as under:

“The Tahsildar, Nellore has reported that possession certificates were issued to 131 persons measuring an extent of Ac.1.95 cents as against the extent of Acs.26.50 cents held by Devireddy Usha Reddy in Survey Nos.1879, 1880, 1881, 1882, 1884 and 1885 and other residential houses shall be treated as unauthorised occupations in patta land of the individual and for which appropriated recourse

under law has to be initiated by Smt Devireddy Usha Reddy.

In the circumstances stated above, Tahsildar shall issue notices to those who were issued possession certificates for shifting them to a land which belongs to Government, provide them alternate land. In case it is not possible to shift the 131 persons an extent of Ac.1.95 cents alternate land should be provided to the petitioner-Smt Devireddy Usha Reddy in lieu of the land for which possession certificates were issued by the Tahsildar, Nellore.”

Ms. N.Niyatha, the learned counsel for the petitioners, has not disputed the claim of the respondent about the passing of the order, dated 27.3.2014. She has however submitted that having passed the said order, it is the responsibility of the respondent to implement the same. I am afraid, I cannot accept this submission. For the reasons best known to them, the petitioners have not even referred to order, dated 27.3.2014, and have filed the Contempt Case as if the respondents in the afore-mentioned Writ Petition have not passed any order. The petitioners cannot, therefore, improve upon their stand on coming to know about the passing of the order, dated 27.3.2014, through the counter-affidavit filed by the respondent. The alleged non-implementation of order, dated 27.3.2014, does not fall within the scope of the Contempt Case. As the predecessor-in-office of the respondent has passed the

order in due compliance with the afore-mentioned order of this Court, this Contempt Case is wholly misconceived and the same is accordingly dismissed as such. However, dismissal of this Contempt Case would not preclude the petitioners from availing appropriate legal remedies for implementation of the afore-mentioned order, dated 27.3.2014, passed by the predecessor-in-office of the respondent.

JUSTICE C.V.NAGARJUNA REDDY

28th September, 2018

DR

