

HON'BLE SRI JUSTICE S.V.BHATT

CONTEMPT CASE No.1253 of 2017

ORDER:

Heard Mr.Damodar Reddy for petitioners and Mr.Raja Sipathi for respondents 2 to 5.

On 24.01.2018, this Court, after recording *prima facie* case of disobedience namely in not issuing notice to petitioners, considering their objections and passing orders in accordance with law, issued notice in Form-I.

Respondents 2 to 5 are present in the Court. The case was heard on 21.02.2018 as well as today.

I have perused the record. Perusal of record together with the stand taken in the reply affidavit, lead this Court to consideration of issue namely whether the disobedience complained in the instant Contempt Case is a technical contempt with wafer thin difference or the commission or omission on the part of respondents is a substantive contempt warranting consideration of the disobedience on merits.

The crux of the matter centres around the dispatch of notice by respondents 2 to 5 before paying compensation for an extent of Ac.0-24 gts. under G.O.Ms.No.123 in favour of one Subba Reddy. According to respondents, the notices were taken out to the addresses furnished by the petitioners and the houses were locked. Therefore, the enquiry was proceeded with and the compensation was paid to Subba Reddy for an extent

of Ac.0.24 gts. in Sy.No.165. It is the case of respondents that through the very same proceedings dated 08.11.2016, the petitioners received compensation in respect of one of the survey numbers covered in the writ prayer. Further, notice dated 11.07.2017 was issued for determining the claims of petitioners either on quantum of compensation or entitlement.

After perusing the record, this Court is of the view that respondents 2 to 5 ought to be given the benefit of doubt and whatever steps the respondents have taken must be appreciated as official acts done during and in the course of discharge of their duties. May be that little more care and caution in responding to the directions issued by the Court would have avoided the allegation of disobedience of court order and also that there is technical contempt in disbursement of compensation through proceedings dated 08.11.2016 for an extent of Ac.0-24 gts. in Sy.No.165 under G.O.Ms.No.123 in favour of Subba Reddy. Though the above finding is warranted in the circumstances of the case, the respondents to prove their bonafides have issued notice dated 11.07.2017 and have heard the petitioners on 22.07.2017 and are prepared to pass orders, the petitioners if are aggrieved can independently work out all the remedies available in accordance with law. Thus the technical contempt is also pursued by the subsequent steps taken in this behalf.

The respondents, who are present in the Court, through learned Government Pleader, state that orders, pursuant to notice dated 11.07.2017, will be passed within four weeks from today and communicated by registered post with acknowledgment due to the petitioners to the address given in the writ petition; contempt case and also Mr.Domodar Reddy, learned counsel appearing for petitioners. The petitioners, if are aggrieved by the Communication so made by respondents, can work out the remedies strictly in accordance with law.

With the above observation, the Contempt Case is closed.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 07-03-2018
Prv



S. V. BHATT, J

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Prv