

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1404 OF 2017

ORDER :

This Contempt Case has been filed for wilful disobedience of the order dated 27.04.2015 in Writ Petition No. 11753 of 2015.

Through the order dated 27.04.2015, this Court disposed of the Writ Petition directing the respondent authorities not to dispossess the petitioner from the land in question without following due process of law. It was however, made clear that if the revenue authorities have any material to show that the petitioner had encroached the tank bed land, they were at liberty to issue necessary proceedings including conducting survey, by issuing prior notice to the petitioner and thereafter, resume the land from him by passing necessary orders.

On 28.07.2017, while entertaining Contempt Case, this Court issued notice to Respondents 2 and 3 only. Pursuant to the said notice, the 3rd respondent Tahsildar Dwaraka Tirumala filed a counter-affidavit stating that the petitioner has patta land in Survey No. 95, which is adjacent to Venkatradri Cheruvu and it was noticed that he encroached upon a portion of the said tank in Survey No. 110. When enquired, the petitioner informed that he also has patta in respect of the said encroached land and that he had already approached the High Court by filing Writ Petition No. 11753 of 2015 and obtained orders. At this stage, it was proposed to exclude his area temporarily for improving the tank capacity for de-silting purpose. It was also noticed that there were other encroachers on the other side of the tank and they too raised objection when the Irrigation Department was about to de-silt the

tank. Under those circumstances, it is stated, de-silting works were stopped totally thereafter, with a view to take appropriate action against the encroachers as per law. It is further stated that action is initiated against the encroachments in respect of the said tank in Survey No. 110 of Thimmapuram Village. Till such time, they would not take any action or improve or de-silt the said tank, assures the 3rd respondent.

In the light of the categorical assertion made in the counter-affidavit, recording the same, the Contempt Case is closed.

Consequently, the miscellaneous Applications, if any shall stand closed.

23rd March 2018

ksld

CHALLA KODANDA RAM, J

