

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE Nos. 2003, 2027, 2028, 2029, and 2033

of 2018

Date: 10.08.2018

CONTEMPT CASE No.2003 of 2018

Between.

Gudluru Giribabu,

S/o Krishnaiah

.....Petitioner

And.

P.Ramprasad,

Sub-Registrar, Rapur,

Registration and Stamps

Department, SPSR Nellore

District and three others.

....Respondents

Counsel for the petitioners: Mrs. K.Pallavi

Counsel for respondent No.1: AGP for Revenue (AP)

The Court made the following:

COMMON ORDER:

These Contempt Cases are filed alleging willful disobedience of common order, dated 18.02.2013, of this Court in Writ Petition No.4693 of 2013 and batch.

This Court disposed of the said batch of Writ Petitions in the following terms:

“The petitioners are permitted to get the survey of their lands held and demarcated. If it is found in the survey that their lands do not form part of Reserve Forest/Protected Forest as per G.O.Ms.No.115, EFS& T (For-VI) Department, 23.4.1990, the Sub-Registrars shall receive the documents for registration, subject to the petitioners producing the pattadar passbooks and title deeds in respect of the lands covered by those documents.”

Alleging that the respondents have violated the aforementioned order of this Court, the writ petitioners filed these Contempt Cases.

Mrs. K.Pallavi, learned counsel for the petitioners, submitted that the Forest Department has furnished information under the Right to Information Act, 2005, vide proceedings in Rc.No.16/2013, dated 30.3.2018, to the effect that there are no encroachments in respect of Survey No.1 of Pangili Village, Rapur Mandal, S.P.S.R. Nellore District, admeasuring 2,503 acres of forest land. She further submitted that pattadar passbooks

have been issued to the petitioners by the Revenue Department in respect of the lands for which the registration is sought. She, however, candidly admitted that her clients have not got the survey of the lands held and the boundaries demarcated.

The petitioners have not come forth with any reason for not getting the survey of their lands done and the boundaries demarcated. The purported information under the Right to Information Act, 2005, cannot be equated to survey and demarcation and based on such information, the petitioners cannot plead that the land in respect of which registration is sought does not form part of forest land. It might well be that the petitioners have not physically encroached upon the forest land admeasuring 2,503 acres. Still the land in respect of which registration is sought, might be part of the said extent. Unless survey is done and the boundaries are demarcated, as permitted by the afore-mentioned order passed by this Court in the said batch of Writ Petitions, the petitioners cannot complain of willful disobedience of the said order by the respondents in not permitting the registration of the land. When the petitioners have not followed the afore-mentioned order of this Court in its letter and spirit, they cannot complain of its willful disobedience by the respondents.

In this view of the matter, all the Contempt Cases are wholly without any merit and the same are, accordingly, dismissed.

As a sequel to dismissal of the Contempt Cases, the pending Miscellaneous Petitions shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

10th August, 2018
dr

