

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.368 of 2015

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P.M.P.No.35070 of 2011 in W.P.No.28398 of 2011 dated 30.11.2011 whereby the interim order of status-quo was extended until further orders.

While the petitioner alleges that the respondents had sought to trespass into the subject property, resulting in the petitioner filing a complaint in Crime No.126 of 2014 dated 14.12.2014 at the Rajendranagar Police Station, and to have issued a legal notice on 02.01.2015, a counter-affidavit is filed on behalf of the respondents stating that the Tahsildar had delivered physical possession of the subject land to them; they had, thereafter, removed all the semi-structures existing on the land; they sought police assistance to have a common compound wall; and, with their consent, they had removed the said compound wall without demolishing the residential sheds.

It is further stated that, in the order in W.P.No.27503 of 2011 dated 14.10.2011 filed by the 2nd respondent herein, this Court had recorded the contents of the report, of the Assistant Commissioner of Police, Rajendranagar dated 10.10.2011, that he had visited the subject land of the petitioner and had found no one there; and he had assured the 2nd respondent herein (petitioner in W.P.No.27503 of 2011) to provide all such assistance which he may require. In his report dated 13.10.2011, the Revenue Divisional Officer, Rajendranagar Mandal stated that the Tahsildar was instructed to inspect the subject land and, if any unsocial elements were creating nuisance in the subject land, to bring it to the notice of the police; and the Assistant Commissioner had furnished a report to this Court on 08.10.2011 detailing the action taken by them.

Both these reports of the Revenue Divisional Officer dated 13.10.2011, and the Assistant Commissioner of Police dated 10.10.2011, were filed in W.P.No.27503 of 2011, and were taken note of by this Court in its order dated 14.10.2011 which was prior to the interim order passed in W.P.No.28398 of 2011 dated 30.11.2011. No reply affidavit has been filed to this counter-affidavit filed on 25.03.2015, though it was served on the learned counsel for the petitioner on 26.03.2015. The contents of the counter-affidavit stand unrebutted and it does appear, therefore, that the respondents were in possession of the subject land even prior to the date on which the interim order was passed in the present contempt case.

In any event, the facts on record do not make out a case for action being taken against the respondents under the Contempt of Courts Act. Needless to state that the observations made in this order are confined only to the issue as to whether or not the respondents had wilfully and deliberately violated the order of this Court, and the Writ Petition shall be adjudicated on its merits uninfluenced by any observations made in this order.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

10th August, 2018
JSU

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Date: 10.08.2018

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