

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE No.2182 of 2015

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the undertaking furnished to this Court in W.P. No.11125 of 2013. In the order passed in W.P. No.11125 of 2013 dated 16.04.2013, this Court had recorded the submission of the Learned Government Pleader for Revenue (Assignment) that a portion of the land in Sy. No.42 was required for assignment of house sites to weaker sections; the petitioner's land was not being affected thereby; the respondents were not interfering with the petitioner's possession, over the lands assigned in his favour; and, in case the petitioner's lands were also required, action would be taken in accordance with law after putting him on notice, and after giving him an opportunity of being heard.

The petitioner alleges that the said order is violated; and on 10.11.2015 the revenue officials had come to his house and had demolished it by using JCB. In his counter-affidavit, the Tahsildar has stated that the MRO, Mancherial had informed that the petitioner, the legal heir of the assignee, had leased out the assigned land for an extent of 10 guntas to Sri B. Srinivas for establishing a fly ash bricks industry; he was also trying to construct a shop on the said land; as he had violated Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, a notice in Form I was issued on 25.08.2015; as the petitioner had failed to submit his explanation, orders of resumption were passed on 16.09.2015; the MRO, Macherial and VRO Naspur were directed to take over possession of an extent of Ac.1.10 guntas of land in

Sy. No.42/19 into Government custody under the cover of panchanama; and, presently, the subject land is in the custody of the Government.

In the aforesaid order, this Court had recorded the undertaking of the Learned Government Pleader that, in case the petitioner's lands were required, action would be taken in accordance with law, after putting him on notice and after giving him an opportunity of being heard. In the present case, the respondents have taken action against the petitioners for violating the conditions of assignment. The petitioner was dispossessed only after he was put on notice, and was given an opportunity of being heard. The action of the respondents cannot, therefore, be said to be in violation of the order passed by this Court, much less wilfully and deliberately.

I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act. The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 10.08.2018
MRKR