

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.C.No.2310 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned special Government Pleader, appearing for respondents.

2. This Contempt Case is filed by the petitioners alleging willful disobedience of the order dt.06.07.2018 in I.A.No.1 of 2018 in WP.No.23284 of 2018.

3. The petitioners, who had been assigned small parcels of land in Chinnapanduri Village, Varadaiahpalem Mandal, Chittoor District had filed the said Writ Petition questioning action of the respondents in resuming their lands without paying any compensation as per the decision in **LAO-cum-Revenue Divisional Officer, Chevella Division, Domalguda, Hyderabad and others Vs. Mekala Pandu and others**¹ and challenged order dt.29.05.2018 of the Joint Collector, Chittoor in canceling the DKT pattas granted to them and also pattadar pass books and title deeds issued to them on the pretext that there was a mistake of fact.

4. They had filed I.A.No.1 of 2018 to direct the respondents to ensure that no development activity was carried out on their lands which had been resumed by the respondents, pending the Writ Petition.

¹ 2004(2) ALD 451 (LB)

5. On 06.07.2018 after hearing the counsel for petitioners and the G.P. for Land Acquisition, this Court directed :

*“... .. having regard to the law declared by the Supreme Court in **Joint Collector, Ranga Reddy District and another v. D. Narsing Rao and others**² that even if there is fraud or misrepresentation, action ought to be initiated only within a reasonable time, the 3rd respondent could not have, thirteen years after the assignment was made in favour of petitioners, hold that the petitioners could not have been assigned the land in 2005, and seek to deny them compensation which they are entitled as per the decision in **Land Acquisition Officer-cum-Revenue Divisional Officer, Chevella Division, Hyderabad and others vs. Mekala Pandu and others**³. Therefore, there shall be interim suspension of the impugned order.*

Accordingly, there shall be interim direction as prayed for.”

6. Alleging that the above order was violated and development activity being carried on in spite of legal notice dt.06.08.2018 on the directions of the respondents, this Contempt Case is filed. Though it is alleged that photographs were filed along with the Contempt Case showing the development work, in fact, no such photographs have been filed.

7. Counter has been filed by respondent nos.4 and 5 denying the said allegation and stating that there was an attempt by the Plant Manager, Apollo Tyres, which Company was later assigned land by the State to carry out development activities, but the respondents stopped the same. It was also contended that there were no reports in the local newspapers also about any such activity.

² (2015) 3 S.C.C. 695

³ 2004 (2) ALT 546 (L.B.)

8. Having regard to the fact that no evidence of violation of the orders passed by the Court is produced by petitioners, I hold that there is no willful or deliberate violation of the order passed by this Court on 06.07.2018 in I.A.No.1 of 2018 in WP.No.23284 of 2018.

9. Accordingly, the Contempt Case is dismissed. No costs.

10. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-12-2018

Ndr/*

