

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.1315 of 2011

ORDER:

This contempt case was instituted alleging wilful disobedience to the order dated 29.01.2011 passed by this Court in W.P.M.P.No.1731 of 2011 in W.P.No.1417 of 2011. The said writ petition was filed by the deceased first petitioner herein aggrieved by the action of the Tahsildar, Madanapalle Mandal, Chittoor District, in putting up a board in the land assigned to him in Sy.No.804/2 of Kollabailu Revenue Village, Madanapalle Mandal, indicating it as a burial ground. By the aforestated interim order, this Court directed the respondent authorities not to interfere with the writ petitioner's possession and enjoyment over the land admeasuring Ac.0.53 cents in Sy.No.804/2 of Kollabailu Revenue Village, Madanapalle Mandal, Chittoor District, except in accordance with the due procedure laid down by law.

Complaining that in spite of the aforestated order, the Tahsildar, Madanapalle Mandal, altered the survey number of the land on the board put up by him earlier as Sy.No.804/1 and allowed burial of dead bodies, the present contempt case was filed. During the pendency of the contempt case, the writ petitioner expired and his legal representatives were brought on record as petitioners 2 to 5.

While so, the Tahsildar, Madanapalle Mandal, Chittoor District, issued proceedings dated 26.10.2015 based on the inspection undertaken by the learned II Additional Junior Civil Judge, Madanapalle, in terms of the order of this Court, and the report submitted pursuant thereto and modified the assignment proceedings dated 27.07.1980 of the then Tahsildar, Madanapalle, correcting the survey number of the land assigned to the deceased first petitioner from 804/2 to 804/1 in relation to an extent of Ac.0.49 cents in Kollabailu Revenue Village. He further stated

that the conditions subject to which the assignment was granted should stand and directed that consequential corrections should be made in the revenue records as well as the pattadar passbook and title deed issued to the deceased first petitioner. The aforesaid proceedings conclude with the cancellation of the classification of the land in Sy.No.804/1 as burial ground in 8-A Register and the earlier endorsements issued by the office of the Tahsildar in that regard.

A copy of Form 1-B in the Record of Rights is placed on record. Perusal thereof reflects that the widow of the deceased first petitioner is shown as the assignee in relation to the land admeasuring Ac.0.52 cents in Sy.No.804-1 of Kollabailu Village, Mandanapalle Mandal, Chittoor District, under D patta.

In the light of these proceedings, Sri P.V.Vidya Sagar, learned counsel for the petitioners, would state that the petitioners have no grievance as on date. He would however point out that during the period the subject land was wrongly shown as a burial ground, the villagers resorted to using it as such and as on date, five bodies are buried in the said land.

As the revenue authorities have now clarified the position that the land in question is not a burial ground, it is for them to take necessary steps. In the event the petitioners continue to have a grievance in that regard, it is open to them to take recourse to appropriate remedies for redressal thereof in accordance with law.

Reserving liberty to the petitioners to do so, the contempt case is closed. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

27th July, 2018
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