

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1929 OF 2014

ORDER:

Neither is Sri R.Sujan Kumar, learned counsel for the petitioners, present nor is there any representation on his behalf.

The order, violation of which is alleged in the present Contempt Case, is the order passed by this Court in WP.MP.No.15668 of 2013 in WP.No.12715 of 2013 dated 25.04.2013 whereby *status quo* as on the date of the order was directed to be maintained; and it was made clear that the order shall not preclude the respondents from taking action against the petitioners in accordance with law, after putting them on notice and after giving them an opportunity of being heard. The Interim relief sought for was to direct the respondents not to interfere with the petitioners' possession and enjoyment of certain lands.

In the affidavit, filed in support of the Contempt Case, the petitioners assert that, since the respondents were visiting their property and interfering with the same, they had issued a legal notice on 17.12.2013; a reply was furnished thereto, by the respondents on 28.12.2013, that they were not interfering with the petitioners possession; the respondents again came to the property in the second week of October 2014, and had laid an iron fencing over the subject property; and they were objecting to the petitioners using the property despite knowledge of the order of *status quo*.

In the counter affidavit, filed by the Tahsildar, it is stated that no action has been taken with regards eviction of the petitioners as there is no land under their cultivation; he had, in

reply to the legal notice, informed that no notice was issued to the petitioners from their office for eviction; he had inspected the land on 14.11.2014 with the Mandal Surveyor; there were no traces of cultivation in the land, and there was no bore-well in the land; it is a burial ground; and the petitioners were never in possession of the subject land.

As the very possession of the petitioners is in dispute, and it is stated by the Tahsildar that they are not in possession, the question of their being dispossessed, from the land over which they never had possession, does not arise. The order of *status quo* would have disabled the respondents from interference only if the petitioners were in possession. As it does appear that the petitioners were not in possession, the respondents cannot be said to have committed contempt much less wilfully and deliberately. I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

3rd August 2018
RRB