

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2548 OF 2018

DATED :02.11.2018

Between :

Boddu Ambedkar S/o.Boddu Ramaiah,
Aged about 35 yrs, R/o.Cherukumudi Village,
Manabolu Mandal, SPSR Nellore District & another.

.. Petitioners

And

Bala Leela Rani, Tahsildar,
Manabolu Mandal, Manabolu,
SPSR Nellore District & others.

.. Respondents



This court made the following :

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ORDER :

This Court by order dated 16.10.2017 in W.P.No.34632 of 2017 made the following order :

"Post on 23.10.2017 in motion list.

In the meantime, respondents are directed not to take nay coercive action against the petitioners if petitioners were not dispossessed nor alleged assignment granted to their grandfather was not already cancelled."

2. Alleging that the said order is violated, this contempt case is filed.

3. According to learned counsel for the petitioners, the respondent-authorities at the instigation of Masthan who is the husband of Panchayat Secretary and doing real estate business came to the land on 05.09.2018, erected the poles on the petitioners land and inspite of requests made, tried to dispossess them. It is also alleged that on 12.07.2018 a similar threat was made against them but they did not take any action at that point of time, but again came on the date mentioned above.

4. In the counter affidavit filed by the 1st the respondent, she asserts that petitioners are misleading the Court by making the allegation of encroachment and laying of poles. According to the respondents lay out was formed in Sy.Nos.741 and 743 and house site pattas were already issued to 77 beneficiaries out of 112 plots in the year 1987 and in the year 2017 some of the villagers made representation for allotment of house sites in the vacant plots. Therefore, the Mandal Surveyor of Manabolu

Mandal and Village Revenue Officer, Cherukumudi, were deputed to report the status on ground. According to the report submitted by them, petitioners were unauthorisedly in occupation of land to an extent of Ac.0-25 cents in Sy.Nos.741 and 743 as well as roads in the layout. Petitioners were therefore, directed to vacate the land which was unauthorisedly occupied by them and the Mandal Surveyor and Village Revenue Officer were deputed to show the boundaries of the land in Sy.No.753/2.

5. Thus, the averments made in the affidavit would show that the land claimed by the petitioners is in Sy.No.753/2, layout was formed in Sy.Nos.741 and 743 for allotment of house site pattas to the needy people and as there were some disputes raised regarding encroachment, survey was being conducted.

6. Even from the averments of the affidavit filed in support of the contempt case, except for alleging that a survey was being conducted, petitioners have not stated as to how the respondents have violated the orders of this Court. As can be seen from the extracted portion of the order, the direction was not to take any coercive action against petitioners, if petitioners were not already dispossessed nor assignment granted to their grandfather was not cancelled.

7. Thus, it cannot be said that the respondents have deliberately and willfully violated the directions of this Court under the guise of interim order passed by this Court. Petitioners cannot prevent the respondents from conducting survey, if required, for demarcation and fixing of boundaries for the layout formed by them in Sy.Nos.741 and 743.

8. Accordingly, the Contempt Case is closed. Pending miscellaneous petitions shall stand closed.

2nd November, 2018
Rds

P.NAVEEN RAO,J

