

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NOS.2177 AND 2198 OF 2016

COMMON ORDER

The petitioners in both the contempt cases, were issued with notices under Section 7 of Andhra Pradesh Land Encroachment Act, 1905 (for short 'the Act'), and they claimed to have submitted explanations. Alleging that the respondents – revenue officials, are trying to demolish the structures in the subject properties without passing final orders under Section 6 of the Act, they filed W.P.No.34650 and 34655 of 2016. This court by orders dated 14.10.2016 directed the respondent – Tahsildar, to pass final orders under Section 6 of the Act, and till then both the parties were directed to maintain status quo.

Alleging that the respondent violated the orders of this court dated 14.10.2016, the present contempt case is filed.

The learned Assistant Government Pleader for Revenue, based on the averments made in the counter affidavits filed in both the contempt cases, submit that the respondent has passed final orders under Section 6 of the Act by issuing proceedings dated 8.10.2016. She further submits that though this court directed to maintain status quo till passing of final orders under Section 6 of the Act, in view of filing of present contempt cases, the respondent is still maintaining status quo.

Learned counsel for the petitioners submit that this court directed the respondent herein to consider the explanations submitted by the petitioners and pass orders under Section 6 of the Act. But the respondent without considering the explanations of the petitioners, passed the proceedings dated 8.10.2016 and after passing the said proceedings, structures in the subject land have been demolished. He sought to produce photographs of the alleged demolitions. He further submits that in the notices issued under Section 7 of the Act, the subject land was described as R and B road margin, but in the proceedings dated

8.10.2016, it is mentioned that the subject land is classified as channel porambok (Talamanchi Canal), but the case of the petitioners is that they have purchased the subject lands under sale deeds and it is a private land. The proceedings dated 8.10.2016 shows that the respondent has not considered the explanations of the petitioners and hence the impugned proceedings cannot be construed as true compliance of the orders of this court.

From the proceedings dated 8.10.2016, issued in both the cases, it is clear that the respondent, considering the explanations submitted by the petitioners, issued the said proceedings and the validity of the same, cannot be gone into in the contempt proceedings. The alleged demolitions, even as per the case of the petitioners, is after passing the proceedings dated 8.10.2016. This court only directed the parties to maintain status quo till passing the final orders under Section 6 of the Act. Further, as per the averments made in the counter affidavit, the respondent is still maintaining the status quo, in view of filing of contempt cases.

In view of the above circumstances, I do not find any willful violation of the orders passed by this court and the contempt cases are accordingly dismissed.

If the petitioners are aggrieved by proceedings dated 8.10.2016, it is always open to them to assail the same in accordance with law.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:07—03—2018

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