

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

Contempt Case No.2380 of 2017

ORDER:

The Contempt Case has been filed complaining non-implementation of the order, dated 09.10.2017, passed by this Court in W.P.M.P.No.36870 of 2017 in W.P.No.29631 of 2017.

2. This Court, while admitting the Writ Petition, passed the following order:

“Pending disposal of the Writ Petition, taking into consideration the categorical undertaking filed before this Court that the petitioners are willing to pay lease rent by way of deposit of two bags of paddy of 76 kgs., each for this crop, by the end of November 2017, the petitioners shall be allowed to harvest the crop in the subject land. Within five days from harvesting, the petitioners shall deposit the value of two bags of paddy towards lease rent.

Directing deposit of lease rentals to enable the petitioners to harvest the crop shall not be construed as conferring any right on them in respect of the subject land, at this stage.”

3. Respondent No.5 filed a counter-affidavit in the contempt case specifically asserting that the petitioners have not complied with the undertaking filed before this Court. It is further averred that the petitioners taking advantage of orders of this Court, have been encroaching the land by dispossessing the existing tenant.

4. A reply affidavit is filed disputing the same. It was asserted that though the petitioners are ready to pay the lease amount, the respondents are not receiving the same. However, the petitioners

stated that after filing of the contempt case, the respondents have received the amount and issued receipts.

5. Based on the material available on record, at this stage, it is not possible to come to a conclusion that there is any violation of orders of this Court, particularly, the averments made by the petitioners in the reply affidavit to the effect that the receipts were issued after filing of contempt case. Though the receipts cannot be taken into consideration, at any point of time, the petitioners have not approached the Court making such a statement earlier to filing the reply affidavit. The question as to whether who is in possession of the land cannot be decided in the contempt petition. Since interim order is being limited to the extent of harvesting the crop, which, admittedly, has been harvested by the petitioners, I do not find any contempt in this case.

6. Accordingly, the Contempt Case is closed. Miscellaneous petitions, if any, pending in this contempt case shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

JUNE 21, 2018

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Date:21.06.2018