

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

C.C. No. 2602 of 2017

ORDER :

This Contempt Case is filed alleging violation of orders passed by this Court dated 03.03.2017 in W.P.M.P.No.8948 of 2017 in WP No.7274 of 2017.

Counter affidavit is filed by the 3rd respondent stating as follows:

“5. It is submitted that the land in S.No.425 measuring an extent of Ac.114-85 is classified as Tank Poramboke and 427-63 P is Assigned land as per Fair adangal of Aruru Village of Chittamur Mandal of SPS Nellore District. Earlier, P.Rajesh Reddy and others filed W.P.No.37649/2016 with the similar relief and also filed representations to the revenue authorities seeking to evict the encroachers from the subject lands. Thereafter, the encroachers were evicted from the subject land by following due process of law on 20.03.2017 and on the same day, letter was addressed to the Executive Engineer, I & CAD, Gudur requesting him to protect the tank bed land from further encroachments.

7. It is submitted that as the Encroachers have once again started occupying the Tank Poramboke lands in S.No.425, action was taken by this respondent by evicting them under cover of Panchanama dt.13-12-2017 and handed over the tank bed land to Irrigation Officials on 22.12.2017.

8. It is submitted that the writ petitioners have also requested for eviction of Encroachments in Assigned land in S.No.427-63P of Aruru Village of Chittamur Mandal of SPS Nellore District. It is submitted that there is no prohibition with regard to rearing of fish ponds, etc in Assigned lands. As per g.O.ms.No.128 Revenue (Assignment-I) Department, dt.04.04.2016, an Amendment was issued to condition No.1 of D-form patta to the effect that the Assigned lands can be used for cultivation, Horticulture, Aquaculture, Pisciculture, Sheep, Hen, Animal husbandry etc., action could not be taken to evict them.

9. It is submitted that after evicting the encroachers from the tank bed land in Sy.No.425, this respondent communicated the same in writing to the petitioners vide this office letter Rc.B.541/2017, dated 14.12.2017 and served the same on the petitioners. Thus, the orders of this Hon'ble Court have been complied with.”

No reply is filed by the petitioner disputing the averments in the counter affidavit filed by the 3rd respondent.

Heard both sides.

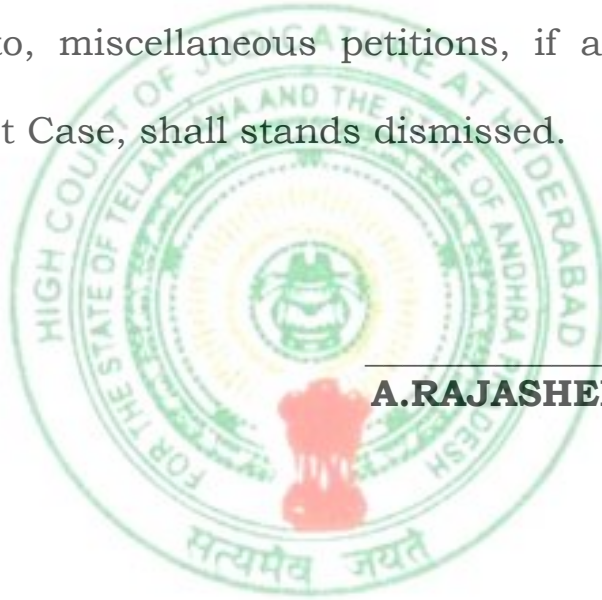
In the counter affidavit, it is specifically stated that they have taken action and evicted the encroachers in pursuant to orders passed by this Court on 03.03.2017.

In view of the assertions in the counter affidavit filed by the 3rd respondent and non denial of the same by the petitioners, I do not see any violation of orders passed by this Court on 03.03.2017.

Accordingly, the Contempt Case is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending in this Contempt Case, shall stands dismissed.

05.02.2018
kvs

A.RAJASHEKER REDDY, J



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Date: 05-02-2018

kvs

