

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 413 OF 2019

ORDER:

This contempt case is filed complaining non-implementation of the order dated 26.04.2018 passed by this Court in W.P.No.33246 of 2016.

While disposing of the aforesaid writ petition, this Court without expressing any opinion with respect to the merits of the matter, directed respondent No.3 therein to dispose of the representation dated 16.03.2016 submitted by the petitioner in the light of the Letter No.EE/Divn.No.4/IFFCC.1/DB/T3/149/14 dated 07.03.2014 of the Executive Engineer within a period of three months from the date of receipt of a copy of that order.

A counter-affidavit is filed by respondent No.2 stating that the representation of the petitioner was considered *vide* Memo dated 15.05.2019.

Learned counsel for the petitioner disputes the said Memo by stating that the same is not in accordance with the orders of this Court.

A perusal of the said Memo discloses that the Land Acquisition Officer though not referred to the letter, dated 07.03.2014, had taken into consideration the orders of this Court and rejected the claim of the petitioner for compensation for the Well on the ground that as per the judgments of the Hon'ble Supreme

Court in **O.Janardan Reddy and others Vs. Special Deputy Collector**¹ and **State of Bihar Vs. Madheshwar Prasad**², no separate compensation is required to be paid for the Well, when the compensation is paid to the land.

Whether the land acquired is covered by the Well or whether there is a separate land, along with the Well, acquired is not discernable from the material placed before this Court.

In those circumstances, there is no contempt on the part of the respondents, as they have considered the representation of the petitioner and issued the aforesaid Memo.

Hence, the contempt case is closed. The closing of the contempt case shall not be construed as this Court has expressed any opinion on the merits of the Memo, dated 15.05.2019.

CHALLA KODANDA RAM, J

Dt:06.11.2019

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¹ (1994) 6 SCC 456

² 1996 SCALE (6) 287

