

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE NO.568 OF 2019

ORDER

This Contempt Case is filed by the petitioners alleging willful disobedience by the respondent of the order dt.12.10.2018 in I.A.No.1 of 2018 in W.P.No.37859 of 2018.

2. The petitioners are owners of an extent of Ac.9.02 guntas in Sy. Nos.2544 and 2545 of Nizamabad Village and Mandal. The revenue records filed by the petitioners show their title and possession over the said land from 1964-65 onwards.

3. They filed W.P.No.37859 of 2018 alleging that respondents 1 to 4 in the Writ Petition were attempting to dispossess them from the said land without following due process of law and that on 29.09.2018, some persons came to the land with proclains and started digging the land of the petitioners and also brought some construction material and dumped it in their land.

4. On 12.10.2018 in I.A.No.1 of 2018, this Court granted an interim direction restraining the respondents in the Writ Petition including the respondent in the Contempt Case from dispossessing the petitioners from the above land without following the due process of law.

5. Thereafter, this Contempt Case is filed on 16th April, 2019 alleging that after the said order was passed, in the 3rd third week of February, 2019, persons engaged by the respondent entered into the

petitioners' land and started measuring it for laying a road and that the respondent on 24.02.2019 came to the site along with tractors, tippers, proclains along with labour and started laying the road. Photographs taken on 24.02.2019 of the proclains engaged by the respondent were filed in the material papers.

6. Notice was issued in this Contempt Case on 30th August, 2019.

7. Thereafter, counter affidavit was filed on 31.10.2019 contending that certain work was taken up under Minor Irrigation – Nizamabad District – Mission Kakatiya Phase-II, Mini Tank Bund, Beautification and Improvements to Raghunatha Cheruvu in Nizamabad Village and Mandal and that the works were completed by 18.01.2017 itself. It is stated that in continuation of the completed work, the District Collector sanctioned development by way of beautification of the Tank and tenders were called and the work was entrusted to M/s. S.L.N.S. Engineering Construction, Saroornagar, Hyderabad *vide* agreement dt.06.07.2018. It is denied by the respondent that he had entered the land of the petitioners and made measurements for laying a road. He stated that on coming to know about the orders passed by this Court, he had issued directions to the executive agency i.e., the contractor and also to his subordinate i.e., the Deputy Executive Engineer not to enter the land. It is denied that any road was laid in the petitioners' land. It is further stated in para 10 that the respondent did not dispossess the petitioners from their land, but the executive agency started laying road in spite of specific

direction by the respondent as well as the Deputy Executive Engineer through their letter dt.15.11.2018. It is also stated that the petitioners did not implead the contractor engaged by the respondent as a party respondent in this Contempt Case and unnecessarily impleaded the respondent.

8. From the facts narrated above, it is clear that there was Court order passed by this Court on 12.10.2018 in I.A.No.1 of 2018 in W.P.No.37859 restraining the respondents from interfering with the possession of the petitioners over the subject land without following the due process of law.

9. No application has been filed by the respondent to vacate the said order.

10. It is not in dispute that the contractor/executive agency engaged by the respondent is only an agent of the respondent and is only carrying out the work under the directions of the respondent. Any violation of the order passed by this Court by the contractor i.e., the agent, has to be treated as violation of the order passed by this Court by the respondent as well. The respondent admittedly knew about the interim order passed by this Court and therefore ought to have prevented the contractor from violating the order passed by this Court. The photographs filed by the petitioner clearly show that the land of the petitioners has been dug up and damaged and has been rendered unfit for agriculture to the extent to which the digging has occurred

and road laying work has been undertaken. This is a blatant violation of the order passed by this Court.

11. The unconditional apology tendered by the respondent is not accepted for the reason that the respondent does not seem to have any respect for the orders passed by the Court or private property rights of the citizens.

12. Accordingly, the Contempt Case is allowed and the respondent is sentenced to two weeks imprisonment with a fine of Rs.2,000/- (Rupees two thousand only) which shall be paid within four weeks from today. The petitioner shall deposit subsistence allowance/batta at the rate of Rs.250/- (Rupees two hundred and fifty only) per day. The sentence of imprisonment imposed on the respondent is suspended for a period of four weeks.

M.S.RAMACHANDRA RAO, J

20th DECEMBER, 2019

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