

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Suo motu Contempt Case No.2386 of 2018

in

Writ Petition No.29733 of 2018

ORDER:

Heard Sri K.Srinivas, counsel for petitioner in W.P.No.29733 of 2018, and Sri Gandra Mohan Rao, counsel for respondent.

This contempt case is registered *suo motu* by this Court, in view of the willful disobedience of the direction given by this Court in its order dt.13.07.2018 in I.A.No.1 of 2018 in W.P.No.23399 of 2018.

The said order states:

'The 5th respondent shall consider the objections filed by the petitioners under Section 15(2) of Act 30 of 2013 after giving a personal hearing to the petitioners, communicate his decision to the petitioners thereon and then only proceed further in the matter.'

In the counter-affidavit filed in this contempt case, it is contended that the petitioners attended the office of the 3rd respondent on 07.08.2018, after they received notice dt.30.07.2018 from the 3rd respondent and they were explained by the 3rd respondent the purpose for which the land was being acquired and they were informed orally that it was not possible to reduce the road width from 150 feet to 100 feet.

What prevented the 3rd respondent from mentioning the said reasons for inability to reduce the size of the road in the memo/order dt.07.08.2018 is not explained.

Also, Section 15(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act – 30 of 2013 (for short, 'the Act'), does not contemplate an oral disposal of objections filed by the petitioners/land owners to the proposal for

acquisition of land and the procedure followed by the 3rd respondent is contrary to the provisions of the Act.

It is indeed strange that the respondent in the contempt case, who is holding the office of the Revenue Divisional Officer, and exercising powers of a Land Acquisition Officer, seems to be oblivious to the provisions of the Act and the duties cast upon him under the said statute.

It was, in fact, the duty of the 3rd respondent to consider the objections submitted by the petitioners/land owners without even a Court order because that is the statutory mandate, but here in spite of the specific direction given by this Court on 13.08.2018 in I.A.No.1 of 2018 in W.P.No.23399 of 2018, he has failed to do so. This conduct of the 3rd respondent has to be therefore termed as willful disobedience of the order passed by this Court and the unconditional apology offered by him cannot be accepted because there is no contrition.

Therefore, the 3rd respondent is sentenced to a fine of Rs.2,000/- (Rupees Two Thousand only) and the 1st respondent in the writ petition shall initiate disciplinary action against the 3rd respondent for the serious lapse on his part in not considering the objections of the petitioners in spite of the mandate of Section 15(2) of the Act as well as the interim order dt.13.07.2018 in I.A.No.1 of 2018 in W.P.No.23399 of 2018.

The *suo motu* contempt case is accordingly allowed. No costs.

M.S.RAMACHANDRA RAO, J

Dt:23.12.2019

GJ