

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.758 OF 2019

Date: 07.02.2020

Between:

Amgothu Hanuma s/o. Mamja, Aged 52 years,
Occu:Agriculture, r/o. Babu Naik Thanda,
Mahabubabad district, Telangana State.

.... Petitioner/ petitioner No.4 in
W.P.No.35180 of 2017

and

Sri Shiva Lingaiah, IAS,
Working as District Collector,
Mahabubabad district, Mahabubabad
and others.

.... Respondents/
contemnors



This Court made the following:

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ORDER:

In I.A.No.1 of 2017 in W.P.No.35180 of 2017, this Court passed the following order on 26.12.2018.

“According to learned counsel for petitioners, there is no further development after 24.10.2017 on which date interim order was passed for a limited period. According to learned counsel, even now the land acquisition proceedings are not initiated, whereas the land in issue is a private patta land.

Having regard to the said statement, the respondents are directed to verify as to whether the land claimed by the petitioners is a private patta land and earlier land acquisition proceeding are not taken to acquire private land for public purpose, and if so, the petitioners shall not be dispossessed from the subject lands without following due process.”

2. Alleging that such order is violated and land acquisition proceedings are not initiated, this Contempt Case is filed.

3. In the counter-affidavit, deposed by Sri B.Bhansilal, working as Superintendent, Office of District Collectorate, Mahabubabad District, it is averred that land in Sy.No.551 of Mahabubabad village is a Government land and in Chesala Pahani 1955-58, the total extent of land in Sy.No.551/1 is Acs.1115.35 guntas, classified as ‘Sarkari’, and it was further extended sub-divisions upto 551/52. It is further averred that in compliance of the interim orders, survey was conducted in the presence of petitioners and the Mandal Surveyor specifically shown the ground situation of all the above mentioned survey numbers and its sub-divisions. It appears, petitioners again requested for re-scheduling the survey and, therefore, once again survey was conducted in the presence of petitioners. It is averred that petitioners were unwilling

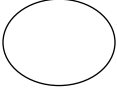
to cooperate and refused to accept the survey report and insisting that they do not want to participate in the survey proceedings pending disposal of the contempt proceedings. It is further averred that though petitioners attended, but failed to produce the evidence and prove physical possession over the land they claimed and denied the evidence of actual ground situation.

4. According to the respondents, the land identified for construction of Kendriya Vidyalaya Building is far away from the land claimed by the petitioners.

5. These assertions are not denied. Be that as it may, having regard to the averments made in the affidavit, deposed by Sri B.Bhansilal, it cannot be said that there is deliberate and willful violation of the orders of this Court, warranting initiation of contempt proceedings. Leaving it open to petitioner to contest the claim of the respondents with reference to conducting of proper survey and identification of the land, Contempt Case is closed. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE P.NAVEEN RAO

Date: 07.02.2020
kkm



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