

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CONTEMPT CASE NO.1553 OF 2019

ORDER

This Contempt Case is filed alleging willful disobedience of the order dt.27.09.2019 in I.A.No.1 of 2019 in W.P.No.21343 of 2019.

2. In the Writ Petition, the petitioners had assailed the action of the respondents in not deleting / de-notifying the petitioners' property of Acs.20.00 in Survey No.65/16/A (Acs.6.20 guntas), Survey No.65/16/AA (Acs.2.00 guntas) and Survey No.65/16/E (Acs.11.20 guntas) from the Prohibitory List issued under Section 22-A of the Indian Registration Act, 1908 pursuant to the Notification dt.26.09.2013 from the Notification Register and Web Portal of the respondents.

3. Earlier, the State Government sought to rectify the entries in regard to the said land invoking power under Section 166-B of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli, which was contested by the petitioners who claimed to have purchased the property under registered sale deeds.

4. The proceedings in that regard in Case No.D-5/2658/01 dt.25.08.2005 of the Joint Collector, Ranga Reddy District were challenged in W.P.No.20104 of 2005 and batch by the petitioners. The attempt of the State to correct the entries by showing the land as

Government land in the said proceedings was set at naught, the said Writ Petition was allowed on 02.07.2008, and the said proceedings of the Joint Collector, Ranga Reddy District were set aside.

5. The State challenged it in W.A.No.1103 of 2008. But the said Writ Appeal was also dismissed.

6. Thereafter, the petitioners filed W.P.No.10679 of 2012 contending that the Tahsildar, Rajendranagar Mandal, Ranga Reddy District had not restored the entries in the Revenue Records in favour of the petitioners that existed prior to the order dt.25.08.2005 of the Joint Collector, Ranga Reddy District. The said Writ Petition was also allowed on 11.09.2012.

7. The petitioners then challenged the inaction of the respondents in issuing e-pattadar passbooks to them, and contended that they were denied them on the ground that their property was entered in the list of Prohibited properties *vide* Notification dt.26.09.2013, by filing W.P.No.10766 of 2016.

8. The said Writ Petition was also allowed, and a direction was given to the respondents to consider afresh the application made by the petitioners for issuance of e-pattadar passbooks on the strength of the regular pattadar passbooks issued to them under the provisions of the Andhra Pradesh Records of Rights in Land and Pattadar

Passbooks Act, 1971 without reference to the Notification dt.26.09.2013 which was declared to be void in the eye of law.

9. This order was questioned by the State in W.A.No.594 of 2019 wherein a plea was raised on behalf of the State that it had filed a Civil Suit O.S.No.626 of 2019 before the Principal District Judge, Ranga Reddy District claiming title to the property. The Division Bench on 19.08.2019 confirmed the order of the Single Judge while noting that there is a serious dispute with regard to the lawful title and possession with respect to the said property and left it open to the Civil Court to adjudicate and determine the title and lawful possession in respect of the subject land.

10. During the pendency of the said Writ Appeal, e-pattadar passbooks were issued to the petitioners and the Division Bench observed that issuance of the same would not amount to conferring or asserting title on petitioners.

11. The petitioners then gave a legal notice on 23.08.2019 to the respondents to delete / de-notify the above property from the Prohibitory List of the Notification Register and Web Portal maintained by the respondents.

12. Since there was no response from the State, W.P.No.21343 of 2019 was filed by the petitioners. They sought an interim direction to delete / de-notify the petitioners' property from the Prohibitory List of

the Notification dt.26.09.2013 from the Notification Register and Web Portal in the light of the orders passed by this Court in W.P.No.10766 of 2019 which were confirmed in W.A.No.594 of 2019 pending disposal of the Writ Petition.

13. This Court on 27.09.2019 in I.A.No.1 of 2019 held that there is overwhelming evidence to show that the subject land is *prima facie* not Government land and that since the Civil Suit filed by the State to declare its title is still pending before the Principal District Judge, Ranga Reddy District, by no stretch of imagination can the State continue to assert that it is justified in notifying the petitioners' property under Section 22-A of the Indian Registration Act, 1908, and continue to mention the properties of the petitioners in the Prohibitory List in the Notification dt.26.09.2013 and also in its Web Portal *prima facie*, and therefore, granted interim direction to the respondents to delete / de-notify the petitioners' properties from the Prohibitory List contained in Notification dt.26.09.2013 within four weeks.

14. Though the said period of four weeks ended long back, this order was not implemented. Therefore, the petitioners filed the instant Contempt Case.

15. It is now brought to the notice of this Court by the Special Government Pleader appearing for the State that a Writ Appeal was preferred with a delay of more than 100 days against the said interim

order dt.27.09.2019 in I.A.No.1 of 2019 in W.P.No.21343 of 2019 and that this Court therefore ought to adjourn the matter till the Writ Appeal is decided.

16. I am of the considered opinion that mere filing of the Writ Appeal would not operate as stay or suspension of the interim order dt.27.09.2019 in I.A.No.1 of 2019 in W.P.No.21343 of 2019.

17. That apart, the Contempt Case had been coming up from 21.11.2019 and had already undergone adjournments on 13.12.2019, 03.01.2020, 07.02.2020 and 14.02.2020. Notice in Form-I was also issued to the 2nd respondent in the Contempt Case for non-compliance of the order dt.27.09.2019 and pursuant to the said Contempt notice, the 2nd respondent had also appeared before this Court on 07.02.2020.

18. Counter-affidavit has also been filed by the 2nd respondent in the matter referring to the filing of the Writ Appeal by the State. Contentions on merits of the claim of the petitioners have been raised in the counter-affidavit, which cannot be gone into in the Contempt Case particularly when a Civil Suit filed by the State is pending before the competent Civil Court where the said aspects may have to be gone into. Without the title of the State having been declared in the Civil Suit O.S.No.626 of 2019, there is *prima facie* no justification for the respondents to not comply with the interim order granted by this Court on 27.09.2019 in I.A.No.1 of 2019 in W.P.No.21343 of 2019

particularly when its actions in trying to treat the land as Government land were set at naught by the dismissal of W.A.No.1103 of 2008 on 28.11.2013 and by order dt.11.09.2012 in W.P.No.10679 of 2012.

19. I therefore hold that the 2nd respondent, who was the Full Additional Charge of the District Collector, Ranga Reddy District from September, 2019 to 30th January, 2020, is guilty of willfully disobeying the order passed by this Court on 27.09.2019 in I.A.No.1 of 2019 in W.P.No.21343 of 2019. He is granted two (2) weeks time to comply with the said order, failing which, he shall suffer imprisonment for a period of four (4) weeks and shall also be liable to pay a fine of Rs.2,000/- (Rupees two thousand only). He shall also pay costs of Rs.20,000/- (Rupees twenty thousand only) to the petitioners. The petitioners shall deposit subsistence allowance at the rate of Rs.200/- (Rupees two hundred only) per day within four (4) weeks. The sentence of imprisonment shall stand suspended for a period of four (4) weeks.

20. Accordingly, the Contempt Case is allowed.

M.S.RAMACHANDRA RAO, J

20th FEBRUARY, 2020

Svv