

THE HONOURABLE SRI JUSTICE M.S. RAMACHANDRA RAO

Contempt Case No.2926 of 2018

ORDER :

This Contempt Case is filed by petitioner alleging willful disobedience of the order dt.26.04.2018 passed in Interlocutory Application No.1 of 2018 in Writ Petition No.7298 of 2018.

2. By the said order, this Court had directed respondent nos.1 to 3 in the Contempt Case not to dispossess the petitioners from lands admeasuring Acs.5.00 cents in Survey No.5/1A and Acs.5.00 cents in Survey No.5/1B of Akenapally Village, Bellampally Mandal, Mancherial District, pending disposal of the Writ Petition.

3. Against the said order, Writ Appeal No.943 of 2018 was filed by the respondents in the Contempt Case.

4. A Division Bench of this Court disposed of the above Writ Appeal directing to respondents to file Vacate Stay Application before the single Judge.

5. The present Contempt Case had been filed on 05.11.2018 by the petitioners herein alleging that the respondents in the Contempt Case deliberately and willfully did not allow the petitioners from cultivating the land in their occupation. It is contended that on 25.05.2018 when the 1st petitioner was ploughing the land with the help of a tractor, the respondents along with their sub-ordinates beat the driver of the tractor with axe and sticks resulting in fracture to his

hand and abused him in filthy language. It is also contended that they have seized the tractor and kept it in the Police Station.

6. The petitioners also contended that they gave a report dt.26.05.2018 to the Station House Officer, Bellampally II Town Police Station about this illegal action of the respondents, but the Police did not register any crime. According to petitioner, the police insisted that the tractor would be released only if he withdrew the criminal case filed against the Forest Department Officials and because of the pressure, he withdrew the criminal complaint. The petitioners contend that the respondents are not allowing them to cultivate the land to remain in possession and thus are deliberately and willfully disobeying the orders passed by this Court on 26.04.2018 in Interlocutory Application No.1 of 2018 in Writ Petition No.7298 of 2018.

7. 'Notice Before Admission' in the contempt case was ordered on 16.11.2018.

8. On 13.12.2019, when the matter was listed, the Court was informed that the vacate stay application was filed by the respondent in the Contempt Case to vacate the order dt.26.04.2018 in Interlocutory Application No.1 of 2018 in Writ Petition No.7298 of 2018.

9. Therefore, this Court directed the vacate stay petition to be listed along with the Contempt Case after obtaining the orders of the Hon'ble the Chief Justice.

10. When the Contempt Case was again listed on 27.12.2019, the Court was apprised that the Hon'ble Chief Justice, as a master of the Roster, had taken a decision not to list the vacate stay applications along with the Contempt Cases. Thus, this Court was disabled from dealing with the vacate stay application, though it wanted to decide the same before deciding Contempt Case.

11. Therefore, the Contempt Case was adjourned to 24.01.2020, giving an opportunity to the respondents in the Contempt Case to get the vacate stay application filed by them, disposed of by then. It was also made clear that the contempt case would be heard and decided on the next date of hearing.

12. On 24.01.2020, the learned Government Pleader for Forests, appearing for respondents, stated that the vacate stay application was not disposed of.

13. Since, in spite of adequate opportunity being given to the respondents, they could not get the vacate stay petitioner disposed of, arguments were heard and orders were reserved in the Contempt Case on 24.01.2020 as the Court cannot wait indefinitely for the vacate stay application to be decided.

14. No counter-affidavit has also been filed by any of the respondents in the Contempt Case.

15. Therefore, this Court is of the opinion that they had no reasonable cause for not implementing the order dt.26.04.2018 passed in Interlocutory Application No.1 of 2018 in Writ Petition No.7298 of 2018 and that they intentionally and deliberately violated the said interim order.

16. Accordingly, the Contempt Case is allowed with costs of Rs.20,000/-.

17. The respondents are sentenced to simple imprisonment for a period of two (02) months with a fine of Rs.2,000/-.

18. The petitioner shall deposit subsistence allowance to each of the respondents at the rate of Rs.200/- per day within a period of four (04) months.

19. The sentence of imprisonment imposed on the respondent is suspended for a period of four (04) weeks.

20. Accordingly, the Contempt Case is allowed with costs as above.

21. As a sequel, miscellaneous petitions pending if any in this Contempt Case, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28.02.2020

Ndr