

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Contempt Case No.1645 of 2016

Date: 10.02.2020

Between:

MD.Vikramuddin

..Petitioner

And

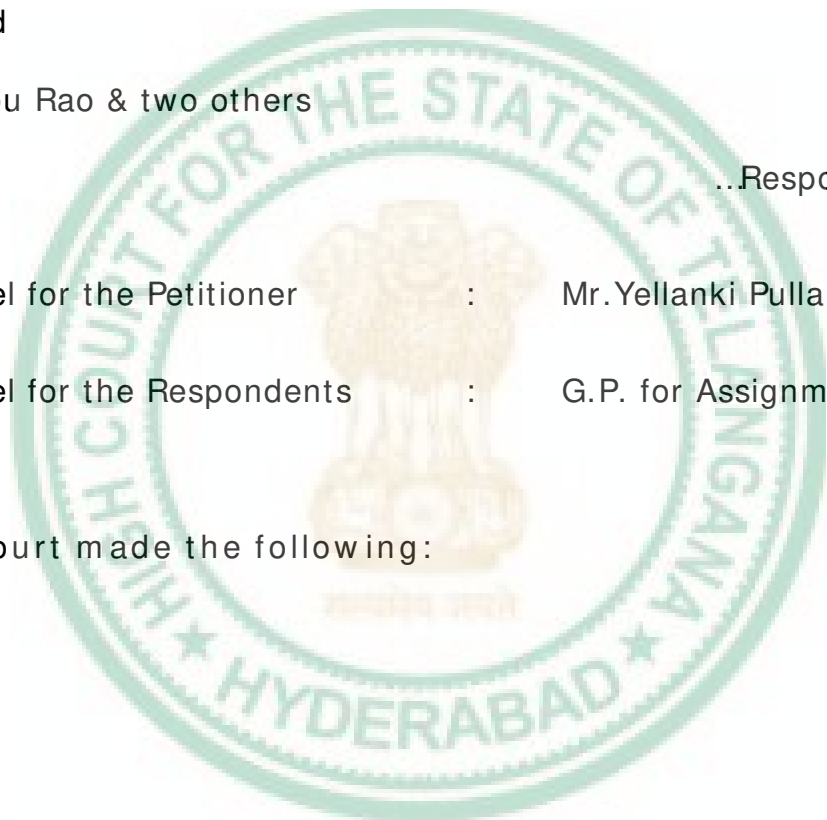
Mr.Babu Rao & two others

..Respondents

Counsel for the Petitioner : Mr.Yellanki Pulla Rao

Counsel for the Respondents : G.P. for Assignments

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

The present Contempt Case is filed alleging violation of the judgment, dated 28.01.2014, passed in Writ Appeal No.104 of 2014 whereby this Court while dismissing the writ appeal has clarified that *in the event the petitioner is in possession factually then he should be ousted with due process of law.*

2. After the notices were issued in the Contempt Case, the counter affidavit was filed on behalf of the respondent No.3 denying that the petitioner is in possession of the lands in question. For, vide Rc.No.B/17916/2007-7, dated 30.11.2007, the Tahsildar, Khammam (Urban), has taken possession of the land in question under cover of panchanama. Therefore, the question of violating the orders of this Court in W.A.No.104 of 2014, dated 28.01.2014, does not arise.

3. In view of the rival submissions made by the petitioner as well as the official respondents with regard to the physical possession over the subject land, vide order, dated 18.09.2019, this Court has directed the Principal District Judge, Khammam, to depute a Judicial Officer to visit the land in question, in order to ascertain as to whether the petitioner continues to remain in possession of the lands i.e. land admeasuring Acs.4-00 guntas in survey No.218/11 of Raghunathapalem Revenue Village, Khammam District, or not? Pursuant to the said direction, the Principal District Judge, Khammam, had deputed the I-Additional District and Sessions Judge, Khammam, to inspect the land in survey No.218/11 of Raghunathapalem Revenue Village, Khammam District. In furtherance of the direction of the Principal District Judge, Khammam, the learned I-Additional District and Sessions Judge, Khammam, had inspected the land on 05.10.2019 with the help of the Tahsildar, Village Revenue Officer, and the Mandal Surveyor of Raghunadhpalem Mandal. The learned I-

Additional District and Sessions Judge submitted his report on 11.10.2019 along with the location sketch and copy of pahanies, to the Principal District Judge, Khammam, who in turn submitted the same to the Registrar of this Court on 18.10.2019.

4. A perusal of the report of the learned I Additional District and Sessions Judge, Khammam, shows that the petitioner is not in possession of the land in survey No.218/11, and the entire land in the said survey number is vacant without any cultivation being undertaken, whereas the petitioner is in possession of the land to an extent of more than Acs.2-00 guntas in survey No.218/15. As per the revenue records, the entire land in survey No.218/11 to an extent of Acs.4-10 guntas is shown as 'government land' and even in the possession column, the name of the government is written.

5. Though the petitioner has filed an additional affidavit contesting the report filed by the learned I Additional District and Sessions Judge, Khammam, and has taken a stand that though the land in survey No.218/11 was originally assigned to the petitioner's father and is in possession of the same, the then Mandal Revenue Officer had committed a mistake in recording the survey number and he has wrongly mentioned the survey number as '218/15' instead of '218/11'. The report of the I-Additional District and Sessions Judge, Khammam, also supports the petitioner as he is in possession of more than Acs.2-00 guntas of land in survey No.218/15.

6. The scope of the High Court in a Contempt Case is very limited. The Court has to see whether the orders passed by this Court are complied with or it is violated. The Court while deciding a Contempt Case has to see whether there is any willful/deliberate disobedience of the

orders of the Court. In the present case, the Court at the time of passing the judgment in the writ appeal, has stated that in the event the petitioner is in possession of the lands in question, he should not be dispossessed without following due process of law as the petitioner had taken a stand that he is in possession and occupation of the land to an extent of Acs.4-00 guntas in survey No.218/11 of Raghunadhapalem Revenue Village, Khammam District. But, the report of the learned I Additional District and Sessions Judge, Khammam, dated 11.10.2019, clearly states that the land in survey No.218/11 is recorded in the revenue records as 'government land' and the petitioner is not in possession of the same. Therefore, the question of dispossessing the petitioner from the lands in survey No.218/11 does not arise. Thus, in view of the above mentioned facts and circumstances, there is no deliberate violation or willful disobedience of the order of this Court passed in W.A.No.104 of 2014, dated 28.01.2014.

7. For the afore-stated reasons, the Contempt Case is devoid of merit; the same is accordingly closed. However, it is left open to the petitioner to seek his remedies in the appropriate forum for the relief as he deems fit.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

10th February, 2020
Sur/smr