

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

CONTEMPT CASE No.583 of 2022

ORDER:

This contempt case is filed contending that there is wilful and deliberate disobedience of order of this Court dated 31.01.2022 in WP.No.828 of 2022, which reads as under:

“Issue notice to respondent No.7.

Personal service permitted.

There shall be interim direction respondent No.2 to initiate necessary action on representation dated 05.08.2021 submitted by the petitioner within a period of six weeks from the date of receipt of a copy of this order.

List on 28.03.2022.”

2. Mr. C. Naresh Reddy, learned counsel for the petitioner, submitted that WP.No.828 of 2022 was filed questioning inaction of the respondent in not cancelling the supplementary sethwar issued vide file No.C/565/94 dated 23.12.1999 and also patta No.B/11979/18-01-1981 issued in favour of one Manda Venkateswar, in respect of land in Sy.No.362 (Old Sy.No.249) to an extent of Ac.1-02 gts; Sy.No.523 (Old Sy.No.250) to an extent of Ac.0-10 gts and Sy.No.473/1 (Old Sy.No.251) to an extent of Ac.1-18 gts total admeasuring Ac.2-30 gts situated at Lolam Village, Dilawarpur Mandal, Nirmal District.

3. It is further submitted that this Court by order dated 31.01.2022 directed the respondent to take necessary action on the

representation dated 05.08.2021 submitted by the petitioner within a period of six weeks. But no action has been taken by the respondent till date i.e. approximately nine months have expired. Hence, the respondent committed wilful contempt of Court. The inaction of the respondent has given undue advantage to Manda Venkateswar to grab the land in an extent of Ac.0.34 guntas in Sy.No.473/2 situated at Lolam Village, Dilawarpur Mandal, Nirmal District, belonging to the petitioner. The respondent is obliged to verify the validation of documents as requested in the representation to avoid any further irreparable loss and injury.

4. Learned Assistant Government Pleader for Revenue submitted that there is no contempt committed by the respondent. In pursuance of the interim order of this Court dated 31.01.2022, the contemnor has issued proceedings dated 06.07.2022 bearing Proc.No.A4/110/2022, which is placed on record. The said proceedings is issued cancelling the Supplementary Sethwar pertaining to land in Sy.No.473/2 admeasuring Ac.0.24 guntas, which is in excess to original Sethwar area situated at Lolam village, Dilwarpur Mandal, Nirmal District.

5. Learned counsel for the petitioner submitted that the proceedings dated 06.07.2022 is in utter violation of the interim order dated 31.01.2022 passed by this Court.

6. However, the learned Assistant Government Pleader submitted that after receiving notice in the contempt petition, the District Collector has enquired into the matter and cancelled the Supplementary Sethwar pertaining to land admeasuring Ac.0.24 guntas in Sy.No.473/2 of Lolam village, Dilwarpur Mandal, Nirmal District. Thus, the representation of the petitioner was duly considered. If the petitioner has any further grievance, he has to institute a separate writ petition challenging the order dated 06.07.2022.

7. The relief sought for in the main writ petition is to declare the action of the respondent No.2 in not cancelling the Supplementary Sethwar issued vide file No.C/565/94 dated 23.12.1999 and also patta issued in favour of the respondent No.7 in respect of land in Sy.No.362 (Old Sy.No.249) to an extent of Ac.1-02 gts; Sy.No.523 (Old Sy.No.250) to an extent of Ac.0-10 gts and Sy.No.473/1 (Old Sy.No.251) to an extent of Ac.1-18 gts total admeasuring Ac.2-30 gts situated at Lolam Village, Dilawarpur Mandal, Nirmal District. In view of the fact that enquiry was conducted by the District Collector, Nirmal, vide proceedings dated 06.07.2022 cancelling the Supplementary Sethwar in respect of land admeasuring Ac.0.24 guntas in Sy.No.473/2 of Lolam village, Dilwarpur Mandal, Nirmal District and in view of compliance of the

interim order dated 31.01.2022, this Court is not inclined to conduct roving enquiry in the contempt petition.

7. The contempt case is dismissed. If the petitioner has grievance, he is at liberty to challenge the order dated 06.07.2022 passed by the District Collector, Nirmal, by instituting a separate writ petition or by amending the pleadings in WP.No.828 of 2022.

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

B. VIJAYSEN REDDY, J

January 11, 2023
DSK