

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

CONTEMPT CASE No.1215 of 2018

ORDER:

W.P.No.45247 of 2017 came to be filed to declare the action of respondent No.2 and his subordinates in proceeding with the construction of water tank in private land of the petitioners in Sy.Nos. 141, 142 and 143 admeasuring 3000 sq. yards situated at Ramavaram, Kothagudem, Bhadradi Kothagudem District without any notice and without initiating any proceedings as illegal, arbitrary and consequently sought for a direction to respondents not to interfere with the petitioner possession in any manner.

2. This Court on 18.01.2018, directed the parties to maintain status quo of construction work existing as on that date. Alleging willful disobedience of the said order, the present contempt case is filed.

3. During the pendency of the present Contempt Case, a counter affidavit has been filed by the respondents, dated 13.08.2018 stating that the water tanks construction has been undertaken in Government vacant land in Sy.No.20 of Ramavaram Village and the same is not forming the part of the petitioners' patta land and the allegation that the respondents are proceeding with the construction of water tank in

Sy.Nos.141, 142 and 143 situated at Kothagudem revenue village is not correct.

4. There is a dispute with regard to the identification and localization of the subject property and whether the constructions are being carried on in Sy.Nos.141, 142 and 143 or in Sy.No.20 is also a purely disputed fact. As serious disputed questions are involved with regard to identification and localization of the subject property, it does not amount to willful disobedience on the part of the respondents to proceed further.

5. In view of the same, the Contempt Case is closed as no further orders are necessary. However, after disposal of the writ petition, if it is found that the constructions are being carried out in the petitioners' patta land, petitioners are given liberty to seek revival of the Contempt Case or he may take appropriate steps in accordance with law.

Miscellaneous petitions, if any pending in this contempt case shall stand dismissed.

Date: 15-02-2023
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JUSTICE C.V.BHASKAR REDDY