

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

CONTEMPT CASE NO: 2345 OF 2023

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience and utter disregard to the Orders of this Hon'ble Court dated 02.08.2023 passed in W.P. No. 20479 of 2023.

Between:

1. Pallapu Chinna Balaiah, S/o. Pottenna, Age- 68 years, Occ- Agriculture, R/o. Maredumandinne Village, Pedda Kothapalli Mandal, Nagar Kurnool District
2. Pallapu Chandrashekar, S/o. Chinna Balaiah, Age- 38 years, Occ- Agriculture, R/o. Maredumandinne Village, Pedda Kothapalli Mandal, Nagar Kurnool District
3. Pallapu Eshwaraiah, S/o. Chinna Balaiah, Age- 30 years, Occ- Agriculture, R/o. Maredumandinne Village, Pedda Kothapalli Mandal, Nagar Kurnool District

...Petitioners/ Petitioners

AND

1. Sri. Rohith Gopidi, The District Forest Officer, Achampet, Nagar Kurnool District.
2. Sri. Sharath Chandra Reddy, The Forest Range Officer, Kollapur Range, Kollapur Proper and Mandal, Nagar Kurnool District.
3. Sri. M. Naveen Reddy, The Forest Divisional Officer, Achampet, Achampet Proper and Mandal, Nagar Kurnool District.

...Respondents/ Respondents No. 4 to 6

Counsel for Petitioners : Sri K. Venumadhav

Counsel for Respondents : GP for Forest

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

CONTEMPT CASE No.2345 of 2023

ORDER:

Alleging violation of the order dated 02.08.2023 passed by this Court in Writ Petition No.20479 of 2023, the present Contempt Case is filed.

2. Learned counsel for the petitioners submits that the Revenue authorities in the year 2012 *vide* proceeding dated 22.12.2012 assigned the agricultural land admeasuring Ac.4.00 gts in Sy.No.207/EE in favour of petitioner No.1, the agricultural land admeasuring Ac.3.00 gts in Sy.No.207/A (207/A1) in favour of petitioner No.2 and the agricultural land admeasuring Ac.3.00 gts in Sy No.207/A in favour of petitioner No.3, situated at Maredumandinne Village, Pedda Kothapalli Mandal, Nagar Kurnool District and thereafter, the petitioners being the peaceful possessor were cultivating the above said land.

3. Learned counsel for the petitioners submits that the Forest official were alleging that the land in Sy.No.207 is a forest land and the land assigned in Sy.No.207 is not in accordance with the provisions of the Telangana Assigned Lands (Prohibition of Transfer) Act, 1977 and were preventing the petitioners from cultivating the

subject land. It is further submitted that on 12.07.2023, when the petitioners were ploughing, the respondent No.2 high handedly taken away the tractor of petitioner No.3 bearing No.TS 31 FT FTR 3720. Thereafter the petitioners' approached the Revenue officials and requested them to instruct the Forest officials not to interfere with the agricultural activities on the subject land. The Tahsildar, Pedda Kothapalli, on 24.05.2023, addressed a letter to respondent No.1 and requested to conduct joint inspection for demarcation of forest and revenue land.

4. Learned counsel for the petitioners submits that aggrieved by the inaction of the Forest officials on the letter dated 24.05.2023, petitioners filed W.P.No.20479 of 2023, seeking the following prayer:

'to declare the action of the respondent Nos.4 to 6 in interfering and disturbing the agricultural activities of the petitioners in their agricultural land admeasuring Ac.4.00 gts in Sy.No.207/LE of the petitioner No.1, the agricultural land admeasuring Ac.3.00 gts in Sy.No.207/A, 207/A1 of the petitioner No.2 and the agricultural land admeasuring Ac.3.00 gts in Sy No.207/A of petitioner No.3, situated at Maredumandinne Village, Pedda Kothapalli Mandal, Nagar Kurnool District and not taking any steps for conducting joint inspection along with revenue officials for demarcation of forest and revenue land and taking away the Mahindra Tractor bearing TR No.TS 31 FT FTR 3720 of the petitioner No.3 is nothing but arbitrary, illegal, null and void and violative of Principles of Natural Justice and also violative of Articles 14, 21 and 300-A of the Constitution of India. Consequently direct the respondents Nos.4 to 6 not to

interfere and not to disturb in any manner while the petitioners are doing agricultural activities in their respective agricultural lands shown above.'

It is further submitted that after hearing the matter at length this Court vide order dated 02.08.2023 had allowed the W.P.No.20479 of 2023 with the following directions:-

"Resultantly, the Writ Petition is allowed. Respondent Nos.4 to 6 are directed not to interfere with the possession and proceeding with agricultural activities by the petitioners in the subject property. Further, respondent Nos.4 to 6 are directed to release the tractor bearing registration No.TS 31 FT FTR 3720, which was seized, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs."

5. Learned counsel for the petitioners submits that the petitioners approached the respondent authorities and requested them to release the Tractor bearing registration No.TS 31 FT FTR 3720, but there was no response from the respondents. Thereafter, the petitioners on 11.09.2023, sent a legal notice to the respondent authorities to implement the order dated 02.08.2023 passed in W.P.No.20479 of 2023, but till date the same is not implemented. Hence, the contempt case.

6. Learned Government Pleader for Forest appearing for respondents submits that counter is filed wherein it is stated that in pursuant to the order dated 02.08.2023, the respondent No.2 issued

notice *vide* Ref.No.POR Notices/KLP/2023-24, dated 17.08.2023 and directed petitioner No.3 to give compounding statement for release of the vehicle. It is further submitted that the said letter was received by the petitioner No.3 on 29.08.2023, but till date compounding statement is not submitted.

7. Learned Government Pleader submits that the total extent of land in Sy.No.207 is Ac.37.09 gts, out of which Ac.28.00 gts is constituted in Kollapur Forest Block, the remaining land available in Sy.No.207 is Ac.9.09 gts. But surprisingly the Revenue department issued alleged Assignment pattas in respect of Ac.47.00 gts including assignment pattas in favor of the petitioners, without notice of the Forest Department. It is further submitted that the Forest officials had preferred W.A.No.1108 of 2023 against the order dated 02.08.2023 passed in W.P.No.20479 of 2023 and the Hon'ble Division of this Court on 29.11.2023 ordered notice and posted the matter after four weeks and pray this Court to dismiss the contempt case.

8. Per contra, learned counsel for the petitioners submits that the respondent authorities are demanding the petitioners to give a written undertaking that they will not proceed with any agricultural activities on the subject property. It is further submitted that the petitioners are the lawful owners of the subject property as the

Revenue Authorities had issued pattadar pass books in favour of the petitioners in respect of the subject property and the petitioners being clear with the boundaries are undertaking to confine their agricultural activities within the patta lands assigned to them.

9. Learned counsel for the petitioners submits that there is issue on the determination of the boundaries between the Forest Department and Revenue department and the respondent authorities' are neither conducting Survey for demarcation of the subject land nor releasing the vehicle of petitioner No.3.

10. The main grievance of the petitioners is that the petitioners are cultivating the land assigned to them and seizing the tractor is causing hardship to the petitioners in cultivating the land. It is further submitted that inspite of clear direction in order dated 02.08.2023, the respondent authorities are not releasing the tractor bearing No.TS 31 FT FTR 3720 and pray this Court to direct the respondent authorities to release the above said vehicle.

11. Learned Government Pleader for forest would submit that the Hon'ble Division Bench in W.A.No.1108 of 2023 has not passed any orders and in view of the same, the respondent authorities would comply the order dated 02.08.2023 passed in W.P.No.20479 of 2023 and release the tractor bearing No.TS 31 FT FTR 3720.

12. Having considered the above facts and circumstance and in view of the fact that this Court in W.P.No.20479 of 2023 by order dated 02.08.2023 had directed the respondent authorities to release the tractor bearing No.TS 31 FT FTR 3720 and in W.A.No.1108 of 2023 no orders are passed by the Hon'ble Division Bench. Recording the same, this Contempt Case is closed with a direction to respondent authorities to release the vehicle of petitioner No.3 bearing No.TS 31 FT FTR 3720, within a period of two (2) weeks from the date of receipt of copy of this order.

Miscellaneous applications, if any pending, shall stand closed.

No order as to costs.

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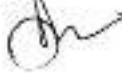
SD/- B. SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. Sri. Rohith Gopidi, The District Forest Officer, Achampet, Nagar Kurnool District.
2. Sri. Sharath Chandra Reddy, The Forest Range Officer, Kollapur Range, Kollapur Proper and Mandal, Nagar Kurnool District.
3. Sri. M. Naveen Reddy, The Forest Divisional Officer, Achampet, Achampet Proper and Mandal, Nagar Kurnool District.
4. One CC to Sri K. Venumadhav, Advocate [OPUC]
5. Two CCs to GP for Forest, High Court for the State of Telangana. [OUT]
6. **Two CD Copies**

Njb/JAK



HIGH COURT

DATED:29/12/2023

ORDER

CC.No.2345 of 2023



CLOSING THE CONTEMPT CASE

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2/2/24