

HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

CONTEMPT CASE No.2260 of 2022

ORDER:

This contempt case is filed seeking the following relief:

“ ... to punish the Respondent/contemnor herein under section 10 to 12 of the Contempt of Courts Act 1971 for willfully and deliberately failing to implement the orders passed by the Honble Court in WP No 38374 2022 dt 14-10-2022 and pass...”

2 This Court vide order dated 14.10.2022 has disposed of the writ petition directing the respondents to consider the representation of the petitioner dated 24.03.2017 and to pass appropriate orders within a period of six weeks from the date of receipt of copy of the order.

3. A counter affidavit has been filed by the respondents stating that the mother of the petitioner herein has created all false documents including the tax receipts and illegally claiming the property in question. On verification of the Gram Panchayat, none of the document filed in the writ petition supporting the claim of the petitioner are not tallying and not existing and the same are believed to be fabricated. It is stated that petitioner has filed O.S.No.18 of 2017 on the file of the Junior Civil Judge at Ramannapet, and the same was dismissed for default on 17.01.2022 and the petitioner instead of proceeding with the suit by taking steps for its restoration, as straight away approached this Court with all false and fabricated documents. It is stated

that the proceedings dated 24.03.2017 is a fabricated and not existing in the Gram Panchayat records, moreover signatory shown is Panchayat Secretary, Gram Pranchayat Manaikuntga, Addagudur Mandal is not existing in the year 2017 and the signature therein is also forged one. In fact, at that time the Gram Panchayat Manaikunta is under Mothukur Mandal, Nalgonda District. It is stated that both the parties have not appeared along with concerned documents inspite of receiving notices. The respondents have issued notice to both the parties on 06.02.2023. It is stated that the grievance of the petitioner has to be settled in the competent Civil Court.

4. A reply affidavit has been filed to the said counter affidavit and it is stated that the petitioner's mother never created any forged document for the house and she never used it as genuine and if such documents were created, then the previous Panchayat Secretary must have lodged a complaint before the concerned Police Station. It is stated that AGP of the Ramannapet Court given a legal opinion that the petitioner having right over the property and the unofficial respondent did not produce any document to show that she is having any right over the property and Secretary must implement the Registered Gift Settlement

Deed in favour of the petitioner and to mutate the house on the name of the petitioner. It is submitted that there is no implementation of the orders passed by this Court.

5. Even in the prayer of the writ petition, an application dated 24.03.2017 is mentioned and it is stated that the petitioner's application is not disposed of. Now the respondents are disputing the very same documents and stating that the petitioner has forged the said documents which is denied by the petitioner by filing a reply to the counter filed by the respondent. Be that as it may, this Court cannot go into these disputed question of fact and it is always open to both the parties to agitate the same before the appropriate forum.

6. Accordingly, the Contempt Case is dismissed. No order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

LALITHA KANNEGANTI, J

27th February, 2023

myk