

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CONTEMPT CASE NOS: 446 AND 355 OF 2024

CONTEMPT CASE NO.446 OF 2024

The Contempt Case filed under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to summon the Respondents/Contemnors herein for deliberate, willful and intentional disobedience in implementing the orders of the Honourable High Court dated 26/06/2008 passed in W.P.No.9173 of 2008 and punish them for committing contempt of the said Order u/Sec.10 to 12 of the Contempt of Courts Act, 1971.

Between:

Smt. Shaik Yakub Bee, W/o Shaik Lal Bahadur, Age. 64 years, Occ. Housewife, R/o H.No.4-2-156, Near Mamatha Medical College, Khanapuram Haveli, Khammam Urban Mandal, Khammam City and District.

...Petitioner

AND

1. Mr.V.P.Gowtham, The District Collector, Khammam District.
2. Mr.T. Swamy, The Tahsildar, Khammam Urban Mandal, Khammam District.

...Respondents

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to interfere with the possession and enjoyment of the petitioner over her landed property to the extent of Ac.0-33 gts in sy.n.88/c situated at Pakabanda of Khammam Urban Mandal, Khammam District within the limits of Khammam Municipal Corporation, pending disposal of the above Contempt Case in the interest of justice.

Counsel for Petitioner: Sri K. Anil Kumar
Counsel for RR1&2 : GP for Revenue
Counsel for R2: Sri. P. Sridhar Rao (SC FOR KMC)

CONTEMPT CASE NO: 355 OF 2024

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 praying that in the circumstances stated in the affidavit file herein the High Court may be pleased to summon the Respondents/Contemnors herein for deliberate, willful and intentional disobedience in implementing the orders of the Honble High Court dated 17-03-2023 passed in W.P.No.3710 of 2021 and punish them for committing contempt of the said Order u/Sec. 10 to 12 of the Contempt of Courts Act, 1971.

Between:

Smt. Yakoob (Yakub) Bee, W/o Shaik Lal Bahadur, Age 64 years, Occ Housewife, R/o H. No. 4- 2- 156, Near Mamatha Medical College, Khanapuram Haveli, Khammam Urban Mandal, Khammam City and District.

...Petitioner

AND

Adrash Surabh, The Commissioner, Khammam Municipal Corporation, Khammam City and District.

...Respondent / Respondent No.2 in WP

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents not to interfere with the possession and enjoyment of the petitioner over her landed property to the extent of Ac. 0- 33 gts in Sy. No. 88/C

situated at Pakabanda of Khammam Urban Mandal, Khammam District within the limits of Khammam Municipal Corporation pending disposal of the above Contempt Case in the interest of justice.

Counsel for the Petitioner(s): SRI Anil Kumar Kummaragunta

Counsel for the Respondents: SRI P. Sridhar Rao (SC FOR KMC)

The Court made the following Common Order:-

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

CONTEMPT CASE NOS.355 AND 446 OF 2024

COMMON ORDER:

Since the petitioners in both these contempt cases are one and the same, they are heard together and being disposed of by this common order.

2. Contempt Case No.355 of 2024 is filed alleging violation of the order dated 17.03.2023 passed by this Court in W.P.No.3710 of 2021 and Contempt Case No.446 of 2024 is filed alleging violation of the order dated 26.06.2008 passed by this Court in W.P.No.9173 of 2008.

3. This Court, vide order, dated 17.03.2023 in W.P.No.3710 of 2021 directed respondent No.2 therein not to interfere with the possession of the petitioner's land admeasuring Ac.0-33 guntas in Sy.No.88/C situated at Pakabanda, Khammam Municipal Area of Khammam District, in any manner, without following due process of law and if the petitioner's land is required for public purpose, the same shall be acquired by initiating appropriate action under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013 (for short "the Act, 2013").

4. This Court, vide order, dated 27.06.2008 in W.P.No.9173 of 2008 disposed of the writ petition recording the submission of the learned Assistant Government Pleader for Revenue that the respondents therein are not interfering with the possession and enjoyment of the petitioner over the land in question.

5. When the respondents are interfering with the peaceful possession of the petitioner without initiating the proceedings under the provisions of the Act, 2013, the petitioner has filed these contempt cases.

5. It is the case of the respondents that the land admeasuring Ac.0-33 guntas in Sy.No.88/C situated at Pakabanda, Khammam Municipal Area of Khammam District, has been acquired by the respondents under the provisions of the Land Acquisition Act, 1894 and after passing award No.87 of 1979 compensation also paid to the pattadars of the land.

6. The dispute is with regard to the identification of the property which is in possession of the petitioner i.e., land admeasuring Ac.0-33 guntas in Sy.No.88/C situated at Pakabanda, Khammam Municipal Area of Khammam District

guntas and the property claimed and vested with the Government, which is an extent of Acs.2-04 guntas.

7. In view of the same, this Court is of the opinion that the ends of justice would be met, if the Tahsildar, Khammam Urban Mandal, Khammam District, is directed to conduct survey of the lands acquired by the Government and the lands purchased by the petitioner, after issuing notices to all the interested persons in terms of the various circulars issued by the Commissioner, Survey, Settlements and Land Records, from time to time and fix the boundaries. Till survey is conducted, the respondents are directed to maintain *status quo* obtaining as on today.

8. With the above observations, both the contempt cases are closed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in these contempt cases shall stand closed.

//TRUE COPY//

Sd/- I. NAGA LAKSHMI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. Two CCs to the G.P. for Revenue, High Court for the State of Telangana, Hyderabad [OUT].
2. One CC to SRI Anil Kumar Kummaragunta, Advocate [OPUC]
3. One CC to SRI P. Sridhar Rao (SC FOR KMC), Advocate [OPUC]
4. Two CD Copies

VC/gh

HIGH COURT

DATED:18/10/2024



COMMON ORDER

CC.Nos.355 AND 446 of 2024

CLOSING THE CONTEMPT CASES WITHOUT
COSTS

4 Copies
17/12/24.