

APHC010201022023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3209]

THURSDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

**PRESENT
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

CONTEMPT CASE NO:2563/2023

Between:

P.Parandama Reddy

...PETITIONER

AND

Smt M Lokeswari

...CONTEMNOR

Counsel for the Petitioner:

1.P GANGA RAMI REDDY

Counsel for the Contemnor:

1.T BALASWAMI

The Court made the following ORDER:

Heard the learned counsel for the petitioner. Also heard the learned counsel for the respondent/contemnor.

2. The Contempt Case is filed alleging violation of the order dated 08.11.2022 in Writ Petition No.35466 of 2022, the relevant portion of which reads as follows:

“Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue seeks further time to secure instructions in the matter.

List the matter after six weeks.

In the meanwhile, there shall be a direction to 4th respondent to consider the representation of the petitioner dated 22.8.2022 and pass appropriate orders thereon, after giving due opportunity to the 5th respondent, within a period of four weeks.”

3. The learned counsel for the petitioner submits that subsequent to the order referred to above, the contemnor issued notice dated 08.12.2022 to the petitioner to attend enquiry scheduled on 15.12.2022 and the petitioner attended the same. She further submits that thereafter no further action is taken and taking advantage of the same, the encroachers closed the channel and installed the idol of Goddess Gangamma under a neem tree covered by Survey No.187/1A of Paidipalli Village, which is the subject matter in the writ petition. She submits that in the light of the inaction on the part of the contemnor and willful disobedience in complying with the order dated 08.11.2022, the contemnor is liable for punishment under the provisions of the Contempt of Courts Act, 1971.

4. On the other hand, the learned counsel for the respondent/contemnor, while referring to the relevant paragraphs in the reply affidavit filed by the respondent, *inter*

alia submits that in due obedience to the orders dated 08.11.2022, the contemnor initiated enquiry into the matter and after hearing the petitioner as well as the 5th respondent in the writ petition, directions were issued to the Field Staff i.e., Village Revenue Officer, Mandal Surveyor and the Revenue Inspector to submit a factual report on the status of the land for taking further action. She submits that while the enquiry is in progress, the contemnor was deputed to election duty for MLC elections, pursuant to the Notification dated 09.2.2023 and thereafter she was transferred to work as Tahsildar, Chinnagottigallu vide Proceedings dated 02.5.2023. She submits that under the said circumstances, the contemnor could not complete the enquiry and pass orders. The learned counsel also submits that on enquiry, it is revealed that the incumbent Tahsildar, Tirupati Rural Mandal had taken up further enquiry and issued a Memo dated 27.11.2023 to the Mandal Surveyor and the Village Revenue Officer to submit a report. She also submits that on 27.3.2024 Notices were issued to the petitioner and also the 5th respondent in the writ petition under the A.P. Land Encroachment Act, 1905. She submits that as the contemnor was entrusted with the election

duties and thereafter transferred, appropriate orders, pursuant to the order dated 08.11.2022 in Writ Petition No.35466 of 2022, shall be passed by the incumbent Tahsildar. She submits that there is no disobedience much less willful disobedience on the part of the contemnor in the facts and circumstances stated above.

5. Considering the said submissions more particularly in the light of the averments made in the counter, which are not denied by the petitioner by filing rejoinder, this Court is inclined to hold that there is no willful disobedience on the part of the contemnor in implementing the orders of this Court. However, the incumbent Tahsildar, who issued notices dated 27.3.2024 shall take appropriate action in the matter and pass orders in accordance with law, as expeditiously as possible.

6. Accordingly, the Contempt Case is closed. No costs. Miscellaneous petitions pending, if any, shall stand closed.

NINALA JAYASURYA,J

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