



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

[3330]

THURSDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

CONTEMPT CASE NO: 175/2025

Between:

1. B.SUBBARAYUDU, S/O GANGAIAH, AGED ABOUT 72 YEARS, OCC AGRICULTURE, R/O D.NO.25/103, AYYAVARIPALLE VILLAGE, K.BUDUGUNTAPALLE POST, RAILWAY KODURU MANDAL, ANNAMAIAH DISTRICT.

...PETITIONER

AND

1. R JAGANNATH SINGH, THE DIVISIONAL FOREST OFFICER, RAJAMPET, ANNAMAIAH DISTRICT.
2. T PRABHAKAR REDDY, THE FOREST RANGE OFFICER, BALAPALLI RANGE, AT SETTIGUNTA VILLAGE, RAILWAYKODURU MANDAL, ANNAMAIAH DISTRICT.

...CONTEMNOR(S):

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 may be pleased to issue summons to the Respondents upon due enquiry may be pleased to punish the Respondents for contempt of court under section 10 to 12 of Contempt of Courts Act, 1971, for their willful disobedience of order dated 16.10.2024 passed in Writ Petition No 23187 of 2024 on the file of this Honble court and pass such

Counsel for the Petitioner:

1. EADARA PEDDANNA

Counsel for the Contemnor(S):

1. SOMA RAJU YELISETTI

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
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ORDER:

This Court *vide* order dated 16.10.2024, directed the respondents not to dispossess the petitioner from the subject land of the writ petition.

2. Now, the present contempt case has been filed stating that respondent Nos.1 and 2 visited the petitioner's land and insisted the petitioner to vacate from the said land, stating that it was forest land, without showing any relevant documents.

3. A counter affidavit was filed by respondent no.1 denying all the averments made in the affidavit filed in support of the contempt case and asserted that the petitioner's land in Sy.No.207/1 was declared as reserved forest under G.O.Ms.No:857, F&A (Forest-III) dated 26.04.1969. It is further asserted that Sy.No.207/1 comprising Ac.4.50 cents and Sy.No:189 comprising Ac.5.50 cents were both in favour of Sri Bathina Subbarayudu, S/o Gangaiah, totaling Ac.9-00 cents. As per DKT rules, a single individual is eligible for less than 5 Acres; however, he obtained Ac.9-00 cents of DKT patta land at the same time in 1983. The revenue department cannot grant DKT patta to the petitioner in the land belonging to the forest department, and the petitioner was never in possession of the property.

4. It is known fact that to punish a contemnor an important statutory ingredient is that the disobedience of the order alleged to be in contempt has

to satisfy the test of wilful disobedience, under Section 2(b) Contempt of Courts Act, 1971 (hereinafter for short referred to as 'the Act'), which is extracted hereunder:

“civil contempt” means wilful disobedience to any judgment, decree, direction, order, writ or other process of a court or wilful breach of an undertaking given to a court.

5. In ***Ahmad Ali Vs. Supdt., District Jail***, the Court held that mere unintentional disobedience is not enough to hold anyone guilty of contempt and although, disobedience might have been established, absence of wilful disobedience on the part of the contemnor, will not hold him guilty unless the contempt involves a degree of fault or misconduct.

6. Contempt is a matter between the Court and the alleged contemnor. After furnishing such information, the petitioner may still assist the Court. However, it must always be borne in mind that in a contempt proceeding there are only two parties, namely, the Court and the contemnor. This Court directed the respondents not to dispossess the petitioner from the land in possession and the Forest Department filed a counter and stated that the land is forest land and the petitioner was never in possession, and that the Revenue Department cannot grant a DKT patta for land belonging to the Forest Department. Disputed questions of fact are involved, and it appears there is no willful disobedience of the order as contemplated under Section 2(b) of the Act to justify the initiation of contempt proceedings in the present case.

7. Therefore, the present Contempt Case is closed. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the contempt case shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 13.11.2025

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THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

Contempt Case No.175 of 2025

13.11.2025

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