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APHC010431702023



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

[3332]

WEDNESDAY, THE 19th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CONTEMPT CASE NO: 5445/2023

Between:

Suvvada Jaggarao and Others

...PETITIONER(S)

AND

Sri Dr Rajat Bhargavadi discharged and Others

...CONTEMNOR(S)

Counsel for the Petitioner(S):

1.K R SRINIVAS

Counsel for the Contemnor(S):

1.M UMA DEVI (CENTRAL GOVT COUNSEL)

2.NAGARAJU PULLAGURA

3.K M KRISHNA REDDY

4.P SUBASH

5.C VAMSI KRISHNA

6.T KUMAR BABU

The Court made the following order:

This contempt case is filed against the respondents for willful disobedience of orders dated 31.12.2022 passed by this Court in W.P.No.20841/2019. Initially, it was filed against respondent Nos.1 to 7. Subsequently, respondent Nos.8 to 13 were impleaded. Thereafter, respondent Nos.1 and 8 were discharged from the Contempt Case.

2. Heard Sri K.R.Srinivas, learned counsel for the petitioners, Sri P.Subhash, learned counsel for respondent No.2, Sri C.Vamsi Krishna, learned counsel for respondent Nos. 3 to 5, Smt M.Uma Devi, learned counsel for respondent No.7, Sri Nagaraju Pullagura, learned counsel for respondent No.8, Sri K.M.Krishna Reddy, learned counsel for respondent Nos.9 to 13.

3. Learned counsel for the petitioners, in elaboration to what has been stated in the affidavit, contended that when the petitioners are claiming ex-gratia, being 4C encroachers, respondent No.3-District Collector, Visakhapatnam District issued proceedings dated 06.02.2017 and recommended that the petitioners are entitled for ex-gratia, however, respondent No.2 failed to take action on the said recommendation. Aggrieved thereby, the petitioners filed Writ Petition No.20841 of 2019, wherein this Court, *vide* order dated 30.12.2022 directed the respondents to consider the petitioners' case pursuant to the proceedings of respondent No.3 therein in Rc.No.5203/2011/E2/Dated 06.02.2017 as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of

the order and communicate the same to the petitioners. He further contended that despite the lapse of more than three months from the date of the order passed by this Court, the respondent authorities failed to take steps to comply with the said order, which amounts to willful and deliberate disobedience of the orders of this Court. Hence, the respondents are liable to be punished under Sections 10 to 12 of the Contempt of Courts Act.

4. Sri P.Subash, learned counsel for respondent No.2, while reiterating the contents of the counter affidavit contended that, in compliance with the directions issued by this Court, respondent No.3, *vide* letter dated 17.05.2023 recommended payment of ex-gratia to 46 beneficiaries, who are identified in an extent of Ac.37.41 cents (*i.e.*, Ac.34.75 cents of 45 encroachers and Ac.2.66 cents covered by one assignee) of Chandaka village @ Rs.8,00,000/- per acre. He further submitted that, after examining the issue, the Government issued Memo dated 15.09.2023 directing the District Collector, Visakhapatnam to pay compensation to those encroachers, who were found eligible in terms of G.O.Ms.No.571, dated 14.09.2012. He further submitted that, pursuant to the said directions, the District Collector, Visakhapanam has paid the ex-gratia, only to the eligible assignee out of 46 beneficiaries for an amount of Rs.27,66,400/- in lieu of land admeasuring Ac.2.66 cents in Sy.No.4P of Chandaka village and for the remaining petitioners, the Government addressed letter dated 08.02.2024 informing them to approach the District Collector regarding the compensation and the same was dispatched by registered post on 09.02.2024. He further submitted that the

orders of this Court has been duly complied with, though there was certain delay, which was neither willful nor deliberate, but was caused only to examine the case in all aspects. Hence, prayed to dismiss the Contempt Case.

5. Learned counsel for respondent Nos.3 and 9 filed their respective counters on the same lines as the counter filed on behalf of respondent No.2.

6. Learned counsel for respondent No.13, while reiterating the contents of the counter affidavit filed by respondent No.13-the then Special Chief Secretary to Government, Land and Disaster Management Department, contended that, the Collector, Visakhapatnam, on a grievance petition, submitted a report to the Government through the CCLA & SPL CS *vide* letter dated 31.05.2025 requesting the Government to treat the matter as a special case and issue suitable instructions for payment of ex-gratia to the petitioners on par with the payment made on Non-recorded/4C encroachers in respect of land allotted to the Grey Hounds Organization *vide* G.O.Ms.No.325 Revenue (lands-I) Department, dated 17.05.2022. He further submitted that the said proposal was actually approved by the District Collector on 06.07.2025, was received in Government through the CCLA & SPL CS only on 08.10.2025. The Government undertook factual verification and directed the District Collector, Visakhapatnam *vide* letter dated 21.10.2025 to submit a detailed report clarifying whether the proposals relating to the remaining beneficiaries were covered under G.O.Ms.No.571 and to furnish the particulars of the Non-4C encroachers. He further submitted that subsequent to the relief of the 13th

respondent from the post of Special Chief Secretary to Government, the Collector, Visakhapatnam submitted a report dated 24.12.2025. The said proposals were examined by the successor of respondent No.13 dated 28.01.2026 informing the Collector that the Government *vide* Memo dated 15.09.2023 had already directed the Collector and the CCLA to take action in accordance with the provisions of G.O.Ms.No.571, dated 14.09.2012. He further submitted that the delay in compliance was neither willful nor deliberate, but was occurred due to the necessity for detailed examination of records, inter-departmental verification and adherence to the prescribed administrative and financial procedures governing disbursement of public funds. Hence, prayed to dismiss the Contempt Case.

7. Learned counsel for respondent No.2 filed an additional counter contending that, the petitioners have neither approached the District Collector, Visakhapatnam along with documentary evidence to consider their case nor furnished any evidence before this Court to consider their claim. He further submitted that, upon a grievance petition, the Collector, Visakhapatnam, submitted a report *vide* letter dated 31.05.2025 requesting to treat the matter as a special case and issue suitable instructions on par with the payment made to Non recorded/4-C encroachers in respect of land allotted to Grey Hounds organization *vide* G.O.Ms.No.325 dated 17.05.2022. Pursuant thereto, the Government issued Memo dated 21.10.2025 directing the District Collector, Visakhapatnam to submit a detailed report clarifying whether the

proposals relating to the remaining beneficiaries were covered under G.O.Ms.No.571 and to furnish particulars of the Non-4C encroachers.

He further submitted that the District Collector, Visakhapatnam, submitted a detailed report dated 24.12.2025 reporting *inter alia* that the eligible assignee *i.e.*, petitioner No.42 had already been paid ex-gratia of Rs.27,66,400/- in accordance with G.O.Ms.No.571 and that there was no provision under the said Government Order for payment of ex-gratia to the remaining 45 Non-4C encroachers. He further submitted that, pursuant to the memo dated 28.01.2026, the 10th respondent passed orders dated 26.02.2026 rejecting the petitioners claim for the payment of compensation to the Non-Recorded Encroachers as their possession is not confirmed by entries in the revenue records. Hence, there is no violation or disobedience on the part of the respondents in compliance with the directions of this Court.

8. Learned counsel for the petitioners filed an additional rejoinder to additional counter filed by respondent No.2, contending that pursuant to the filing of the Contempt Case, the Government issued Memo dated 28.01.2026 only to overcome the proceedings in the Contempt Case. He further contended that only one beneficiary *i.e.*, petitioner No.42 was paid ex-gratia and the selective payment to one beneficiary cannot amount to compliance with the order of this Court particularly when the Writ Petition was filed by all petitioners collectively. He further contended that if respondents intended to reject the claims of the petitioners, they ought to have passed appropriate orders within four weeks as directed by this Court. Having failed to do so, the

respondents cannot now take shelter under a belated administrative exercise. He further submitted that the Government itself issued G.O.Ms.No.325 dated 17.05.2022 sanctioning payment of ex-gratia to non-recorded genuine encroachers, who were eligible landless poor persons. He further submitted that the District Collector, Visakhapatnam *vide* proceedings dated 31.05.2025 addressed the Government seeking suitable orders for payment of ex-gratia to remaining Non-4C encroachers. The District Collector officially recorded that 45 encroachers covering Ac.34.75 cents and one assignee covering Ac.2.66 cents were already identified and recommended for payment of ex-gratia @ Rs.8,00,000/- per acre. He further submitted that the District Collector had also recorded that only one assignee was paid ex-gratia and that the remaining amount of Rs.3,01,39,743/- was retained in Fixed Deposit. Thus, the existence of beneficiaries, quantified compensation and the availability of funds is expressly admitted. He further submitted that, having identified the petitioners, quantified the compensation and acknowledged the availability of funds, the respondents cannot raise technical objections. He further submitted that Memo dated 28.01.2026 was issued only after repeated intervention by this Court and that the belated issuance of the said Memo, after initiation of contempt proceedings, cannot cure the earlier willful disobedience. He further contended that no satisfactory explanation was offered for the non-compliance of the order dated 30.12.2022 from the date of passing till 28.01.2026 and that the record establishes deliberate, willful and continuous disobedience of the

order of this Court. Hence, prayed to punish the respondents under Sections 10 to 12 of Contempt of Court Act, 1971.

9. Perused the material available record and considered the submissions made by learned counsel for the parties.

10. The prime grievance of the petitioners is that without considering the Rc.No.5203/2011/E2/Dated 06.02.2017 as directed by this court in W.P.No.20841 of 2019 dated 30.12.2022, the respondent authorities have passed final orders.

11. This Court *vide* order dated 30.12.2022 disposed of the Writ Petition No.20841 of 2019. The operative portion of the said order is as follows:

“The respondent authorities are directed to consider the petitioners’ case pursuant to the proceedings of the 3rd respondent in Rc.No.5203/2011/E2/Dated 06.02.2017, as expeditiously as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.”

11. A perusal of the record would indicate that, pursuant to the above directions of this Court, the District collector addressed a letter *vide* Rc.No.5203/2011/E-2 dated 17.05.2023 to the Government recommending the payment of ex-gratia to the 46 beneficiaries (1 assignee and 45 Non 4C encroachers). In the above communication dated 17.05.2023 addressed by the District collector, Reference No.6 specifically refers to the letter *vide* Rc.No.5203/2011/E2 dated 06.02.2017 and further, in the Paragraph No.2,

W.P.No.20841 of 2019 filed by the petitioners before this court was specifically mentioned reproducing the operative portion of the order dated 30.12.2022. In the said communication itself, it was found that, a request was made to examine the issue of unrecorded encroachers and issue necessary orders permitting the payment of ex-gratia/compensation to them.

12. The record would further reveal that, the 10th respondent addressed a letter dated 31.05.2025 to the government through CCLA recommending to treat the petitioners grievance as a special case for issuing suitable instructions. Later, the 2nd respondent issued Memo dated 15.09.2023 directing the District collector to pay compensation to those encroachers who are eligible under G.O.Ms.No.571 dated 14.09.2012. Pursuant to the said directions, the District Collector, Visakhapanam has paid the ex-gratia, only to the eligible assignee out of 46 beneficiaries and for the remaining petitioners, the Government addressed letter dated 08.02.2024 informing them to approach the District Collector regarding the compensation. However, the petitioners claim for compensation was rejected under orders dated 26.02.2026 on the ground that their possession was not confirmed by the entries in the revenue records.

13. Since the respondents authorities have referred the proceedings Rc.No.5203/2011/E2 dated 06.02.2017 in their letter vide Rc.No.5203/2011/E-2 dated 17.05.2023 and that there was a specific mention made with regard to W.P.No.20841 of 2019, this court is of the firm opinion that the respondents have complied with the orders of this court by taking into consideration the

proceedings Rc.No.5203/2011/E2 dated 06.02.2017 while passing orders dated 26.02.2026. Since the scope of contempt jurisdiction is summary in nature and contempt proceedings are not intended to resolve factual disputes or determine the rights of parties, this Court, under the Contempt of Courts Act, shall only adjudicate whether there is willful disobedience of any judgment or order passed by the Court. Insofar as the delay is concerned, it is an admitted fact that there has been some delay in complying with the orders of this Court, however, the respondents have explained the said delay satisfactorily. Therefore, this court is satisfied that the order of this Court has been complied with and there lies no contempt against the respondents.

Accordingly, the Contempt Case is ***dismissed***. However, if the petitioners are aggrieved by the orders passed by the respondent authorities dated 26.02.2026, they are at liberty to approach appropriate authority in accordance with law. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No
Reportable Yes/No / Non-Reportable Yes/No