

**HIGH COURT OF ANDHRA PRADESH :: AMARAVATI**

**MAIN CASE No.CONTEMPT CASE NO.6192 OF 2022**

**PROCEEDING SHEET**

| <b>SL. NO.</b> | <b>DATE</b> | <b>ORDER</b>   | <b>OFFICE NOTE</b> |
|----------------|-------------|--|--------------------|
| 08             | 23.03.2023  | <p><b><u>DEV,J</u></b></p> <p>Originally, the petitioners in the present contempt case filed W.P.No.31386 of 2021 contending that they are the absolute owners and possessors of the land to an extent of Ac.7-50 cents situated in Shivapuram Village, Vayalpad Mandal, Chittoor District. They constructed a house bearing D.No.18-52 and residing therein. Complaining that Respondent No.5 is taking steps to lay road through the private land illegally and though second petitioner made a representation dated 11.05.2020 to Respondent No.5 and without considering the same, they are proceeding with laying road.</p> <p>The learned Standing Counsel for Respondent No.5, on instructions submitted that there is no any proposal to lay any road in the said land by the Gram Panchayat. Placing on record the submission of the learned Standing Counsel, W.P.No.31386 of 2021 is disposed of by order dated 03.01.2022.</p> <p>Complaining willful disobedience of the order of this Court, the present contempt case has been filed.</p> |                    |

| <b>SL. NO.</b> | <b>DATE</b> | <b>ORDER</b>  | <b>OFFICE NOTE</b> |
|----------------|-------------|---|--------------------|
|                |             | <p>During the course of hearing, the learned counsel for the petitioners contends that the respondents are proceeding to lay road in their private land.</p> <p>On the other hand, learned counsel appearing for the respondents contends that, they are not interfering into the private land of the petitioners.</p> <p>To ascertain the factual position as to whether the respondents are interfering into the private land of the petitioners to lay road or not and having heard the respective counsel and in the considered opinion of this Court, it is appropriate and necessary to appoint an Advocate Commissioner to note down the physical features of the disputed land for proper adjudication of this case, in the interest of justice.</p> <p>Learned counsel for the petitioners and learned counsel appearing for Respondents agreed for appointment of an Advocate Commissioner and gave undertaking that, both will bear the expenses towards the Advocate Commissioner fee and other incidental expenses equally.</p> <p>Accordingly, the Advocate Commissioner is appointed with the following directions:</p> <p>(i) Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501</p> |                    |

| SL. NO. | DATE | ORDER   | OFFICE NOTE |
|---------|------|---|-------------|
|         |      | <p>(Mobile: 7661975823) is appointed as an Advocate Commissioner to note down as to whether the respondents are interfering into the private land of the petitioners to lay road or not?;</p> <p>(ii) The Tahsildar, Vayalpad Mandal, Chittoor District is directed to provide assistance of the Mandal Surveyor for this purpose to the learned Advocate Commissioner;</p> <p>(iii) Learned Advocate Commissioner shall execute this warrant on or before 31.03.2023 after giving prior notice to the petitioners and respondents.</p> <p>(iv) Learned Advocate Commissioner shall submit her report before the next date of hearing;</p> <p>(v) Learned Advocate Commissioner's fee is fixed at Rs.25,000/- (Rupees Twenty Five Thousands only) to be paid by the petitioners and Respondents, equally;</p> <p>(vi) The petitioners shall provide a Innova Crysta car for comfortable transportation of the learned Advocate Commissioner on the date of executing warrant.</p> |             |

