

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
CONTEMPT CASE NO: 6192 OF 2022



Between:

1. Smt.Bojanapu Narayanamma, W/o Late Ramakrishna, Aged 72 years, Occ Housewife / Cultivation, R/o D.No.18-52, Sivapuram Village & Post, Vayalpad Mandal, Chittoor District.
2. Bojanapu Sreenivasulu, S/o Late Ramakrishna, Aged 54 years, Occ: Service / Cultivation, R/o D.No.18-52, Sivapuram Village & Post, Vayalpad Mandal, Chittoor District

Petitioners

AND

1. Mr.P.Shabeer Khan, S/o not known, Aged about 55 years, The Mandal Parishad Development Officer, Mandal Praja Parishad Department, Vayalpad Mandal, Chittoor District.
2. Mr.Uday Kumar, S/o not known Aged about 45 years, Sivapuram Grama Panchayat, Rep. by its Panchayat Secretary, Sivapuram Village, Vayalpad Mandal, Chittoor District.

Contemnors/Respondents

Whereas the petitioners have presented this Contempt case under Sections 10 to 12 of the Contempt of Courts Act, 1971, through their counsel Sri Rajendra Bussa praying the High Court to punish the Contemnors/respondents herein, for flouting and willful disobedience the orders dated 03.01.2022 passed by the High Court in W.P. No. 31386 of 2021, in the interest of justice.

And Whereas the court upon perusing the petition and affidavit filed in support thereof and the order of the High Court dated 21.12.2022 made herein and upon hearing the arguments of Sri Rajendra Bussa Advocate for the petitioners, Sri Gajjala Venkata Reddy, Standing Counsel for the Respondents, made the following

ORDER:

“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.

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.

Complaining willful disobedience of the order of this Court, the present contempt case has been filed.

During the course of hearing, the learned counsel for the petitioners contends that the respondents are proceeding to lay road in their private land.

On the other hand, learned counsel appearing for the respondents contends that, they are not interfering into the private land of the petitioners.

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.

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.

Accordingly, the Advocate Commissioner is appointed with the following directions:

- (i) Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501 (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?;
- (ii) The Tahsildar, Vayalpad Mandal, Chittoor District is directed to provide assistance of the Mandal Surveyor for this purpose to the learned Advocate Commissioner;
- (iii) Learned Advocate Commissioner shall execute this warrant on or before 31.03.2023 after giving prior notice to the petitioners and respondents.
- (iv) Learned Advocate Commissioner shall submit her report before the next date of hearing;
- (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;

- (vi) The petitioners shall provide a Innova Crysta car for comfortable transportation of the learned Advocate Commissioner on the date of executing warrant.
- (vii) The petitioners and Respondents have to bear all other incidental expenses to be incurred by the learned Advocate Commissioner.
- (viii) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 24.03.2023.

Post the matter on 31.03.2023.”

SD/-E.KAMESWARA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Mr.P.Shabeer Khan, The Mandal Parishad Development Officer ,S/o not known, Aged about 55 years, Mandal Praja Parishad Department, Vayalpad Mandal, Chittoor District.
2. Mr.Uday Kumar, Panchayat Secretary , S/o not known Aged about 45 years, Sivapuram Grama Panchayat, Sivapuram Village, Vayalpad Mandal, Chittoor District.
3. The Tahsildar, Vayalpad Mandal, Chittoor District (1 TO 3 BY SPEED POST)
4. One CC to Sri Rajendra Bussa, Advocate [OPUC]
5. One CC to Sri Gajjala Venkata Reddy, Standing Counsel [OPUC]
6. One CC to Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501 (Mobile: 7661975823) , Advocate Commissioner [BY SPECIAL MESSENGER]
7. The Section officer, O.S Section, High Court of AP
8. One spare copy

RVK

HIGH COURT

DEVJ

DATED:23/03/2023

POST THE MATTER ON 31.03.2023

ORDER

CC.No.6192 of 2022

DIRECTION



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
CONTEMPT CASE NO: 6192 OF 2022



Between:

1. Smt.Bojanapu Narayanamma, W/o Late Ramakrishna, Aged 72 years, Occ Housewife / Cultivation, R/o D.No.18-52, Sivapuram Village & Post, Vayalpad Mandal, Chittoor District.
2. Bojanapu Sreenivasulu, S/o Late Ramakrishna, Aged 54 years, Occ: Service / Cultivation, R/o D.No.18-52, Sivapuram Village & Post, Vayalpad Mandal, Chittoor District

Petitioners

AND

1. Mr.P.Shabeer Khan, S/o not known, Aged about 55 years, The Mandal Parishad Development Officer, Mandal Praja Parishad Department, Vayalpad Mandal, Chittoor District.
2. Mr.Uday Kumar, S/o not known Aged about 45 years, Sivapuram Grama Panchayat, Rep. by its Panchayat Secretary, Sivapuram Village, Vayalpad Mandal, Chittoor District.

Contemnors/Respondents

Whereas the petitioners have presented this Contempt case under Sections 10 to 12 of the Contempt of Courts Act, 1971, through their counsel Sri Rajendra Bussa praying the High Court to punish the Contemnors/respondents herein, for flouting and willful disobedience the orders dated 03.01.2022 passed by the High Court in W.P. No. 31386 of 2021, in the interest of justice.

And Whereas the court upon perusing the petition and affidavit filed in support thereof and the order of the High Court dated 21.12.2022 made herein and upon hearing the arguments of Sri Rajendra Bussa Advocate for the petitioners, Sri Gajjala Venkata Reddy, Standing Counsel for the Respondents, appointed Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501 (Mobile: 7661975823) as an Advocate Commissioner to note down the physical features of the disputed land for proper adjudication of this case, in the interest of justice and also note down as to whether the respondents are interfering into the private land of the petitioners to lay road or not?;

Therefore you viz

Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501 (Mobile: 7661975823), Advocate Commissioner

are hereby appointed as Advocate Commissioner to note down the physical features of the disputed land for proper adjudication of this case and also note down as to whether the respondents are interfering into the private land of the petitioners to lay road or not?

You are informed that the Tahsildar, Vayalpad Mandal, Chittoor District is directed to provide assistance of the Mandal Surveyor for your purpose.

You are informed that your fee for this purpose is fixed at Rs. 25,000/- (Rupees Twenty five thousand only) to be paid by the petitioners and respondents equally and Innova Crysta car shall be provided by petitioners for comfortable transportation on the date of executing warrant, You are further informed that petitioners and Respondents have to bear all other incidental expenses to be incurred by the learned Advocate Commissioner.

You are directed to execute this warrant on or before 31.03.2023 after giving prior notice to the petitioners and respondents and shall submit your report before the next date of hearing i.e, on 31.03.2023.

Sd/-E.KAMESWARA RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Sri Vutupalli Rajanna, Flat No.501, R.R. Meadows Apartments, Asramam Road, Tadepalli East, Guntur-522 501 (Mobile: 7661975823), Advocate Commissioner
(**BY SPECIAL MESSENGER** with a copy of petition and material papers)
2. One Spare copy.

RVK



HIGH COURT

DEVJ

DATED:23/03/2023

POST THE MATTER ON 31.03.2023

ORDER

CC.No.6192 of 2022

APPOINTMENT OF ADVOCATE COMMISSIONER

