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IN THE HON'BLE HIGH COURT OF JUCIATURE FOR THE STATE OF
TELANGANA AT HYDERABAD

CONTEMPT CASE NO.368 OF 2020

IN

WPMP NO.40708 OF 2016

IN

W.P.NO.32908 OF 2016

Between:

- 1).M.Ramesh Reddy, S/o Rajireddi
- 2).V.Laxmareddi, S/o Pochireddi
- 3).Smt.Bommena Rajeshwari, W/o Raju

...Petitioners

And

- 1) Konduru Shashanka, IAS.,
Collector & District Magistrate
Karimnagar district
Karimnagar
- 2) Mohammed Abdul Azeem, IAS.,
Collector & District Magistrate
Jayashankar-Bhupalapalli district

...Respondents.

COUNTER FILED BY THE RESPONDENT NO.2

I, Mohammed Abdul Azeem, S/o Abdul Hasan, aged about 54 years, former Collector & District Magistrate, Bhupalpally District (presently Spl. Secretary to Government) R/o Hyderabad city do hereby solemnly affirm and sincerely state as follows.

1). It is humbly submitted that I have worked as District Jayashankar-Bhupalapalli district for the period from 03.02.2020 to 09.10.2020 and as such, well acquainted with the facts of the case. I have gone through the contents of the affidavit filed in the present Contempt Case and file the present counter affidavit according to facts and records herein.

...Attestor

...Deponent

2). It is humbly submitted that I have read the affidavit filed in support of the above Writ petition and deny all the material allegations made therein, except those that are specifically admitted hereunder.

3). It is humbly submitted that the petitioners filed the present Contempt Case to punish the respondent under Article-215 of Constitution of India on the allegation of willful and intentional disobedience of the order of the Hon'ble High Court dt.28.09.2016 in WP No.40708/2016 in WP No.32908/2016 or to pass such any other order or orders as the Hon'ble Court may deem fit and proper.

4). It is humbly submitted that the land in Sy.No.85, Sy.No.86, Sy.No.87 & Sy.No.88 situated at Ambatipalli village of Mahadevpur mandal is patta land to an extent 11-03 acres, 10-29 acres, 9-17 acres, & 7-15 acres, respectively according to Setwar and revenue records.

5). It is humbly submitted that likewise, the land in Sy.No.67 situated at Peddampet village of Mahadevpur mandal is Government Gettu Parampoke land to an extent of 65-32 acres, according to Setwar and revenue records.

6). It is humbly submitted that the land in Sy.No.85 to 88 of Ambatipalli village and Sy.No.67 of Peddampet village are existed adjacent to each other on the village boundary of Ambatipalli and Peddampet.

7). It is humbly submitted that the Assistant Director, Survey & Land Records, Karimnagar after conducting detail survey of the land in Sy.No.85 to 88 of Ambatipalli village and Sy.No.67 (Govt.land) of Peddampet village

...Attestor

..Deponent



with reference to the village maps and tippons has submitted report to the Tahsildar, Mahadevpur mandal vide ref.No.A9/1064/2008, dt.01.12.208 (File No.L8/1563/1974) and requested for correction of settlement records so as to avoid the disputes and it was not implemented.

8). It is humbly submitted that due to the above said reason, the writ petitioners have filed WP No.32908/2016 before the Hon'ble High Court praying direction to implement the corrections in records as reported by the Assistant Director, S&LRs, Karimnagar and the Hon'ble High Court in WPMP no.40708/2016 on 28.09.2016 directed the 2nd respondent i.e., District Collector, Karimnagar to consider the said representation of the petitioners in terms of report of the Assistant Director S&LRS, Karimnagar dt.01.12.2008 and pass appropriate orders in accordance with Law within a period of (8) weeks from the date of receipt of a copy of the interim order.

9). It is humbly submitted that thereafter, the writ petitioners have filed the present contempt case No.368/2020 before the Hon'ble High Court against the District Collector-Karimnagar district on the alleged ground that the orders of the Hon'ble High Court in WPMP No.40708/2016 have not been complied with.

10). It is humbly submitted that the Government have issued orders bifurcating the erstwhile districts, certain mandals by creating new Districts and Mandals with effect from 11.10.2016 due to which the present matter covered by Mahadevpur mandal fell under the jurisdiction of Jayashankar Bhupalapalli, newly bifurcated and formed district and due to the said reason, the writ petitioners have implead the present respondent as respondent No.2 in the present Contempt Case.

...Attestor

...Deponent



11). It is humbly submitted that the matter has been examined with reference to survey settlement records during the period of the present respondent and observed that the survey of Iambatipalli village was conducted during the year 1955 whereas the survey of Peddampet village was conducted during the year 1962 and consequently the land of Ac.65-32Gts.in Sy.No.67 (Govt.land) of Peddampet village has been reduced to Ac.30-28Gt. and village boundary correction has been made in maps vide file No.L8/1563/1974 of the Asst.Director, S&LRs, Karimnagar due to overlapping of the village boundary between Ambatpalli and Peddampet villages and supplementary setwar was also issued according to which the entries in revenue records have been implemented from the year 1975-1976 onwards of Peddampet village as 30-28 acres in Sy.No.67. It was observed that due to clerical mistake, the land in Sy.No.67 was erroneously shown as 65-32 acres instead 30-28 acres in the pahanies from the year 1997 onwards, and consequently the erroneous extent has been rectified correctly in Dharani portal.

12). It is humbly submitted that assignment Patta certificates were issued during the year 2005 for the 24-00 acres of land in favour of (40) beneficiaries relating to SC/ST community for the Government land in Sy.No.67 situated at Peddampet village, but, the revenue Officials have shown the patta land in Sy.No.85 to 88 of Ambatpalli village to the beneficiaries due to which disputes between pattedars and assignees was prevailing since long and even it went to the extent of filing false cases under SC/ST Atrocities Act against non-SC/ST persons.

...Attestor

...Deponent



SPL. SPECIAL INVESTIGATOR
IN CHARGE
KARIMNAGAR

13). It is humbly submitted that the Assistant Director S&LRs, Karimnagar has prepared Sub-Division record alongwith enjoyment list of (40) beneficiaries, phodi record, tippons on Sy.No.67 of Peddampet village for Ac.24-00Gt.in the year 2005 based on the corrected settlement records and implemented the same in revenue records and since then, the assignees have been in possession and enjoyment of the lands.

14). It is humbly submitted that the Assistant Director, S&LRs, Karimnagar while the matter stood thus has issued simple letter vide ref.No. A9/1064/2008, dt.01.12.2008 that due to non-implementation in the revenue records, dispute has arisen over the patta lands of Sy.No.85 to 88 of Ambatipalli village and Govt.land in Sy.No.67 of Peddampet village and requested to implement correction records as per file No.L8/1563/1974 in revenue records so as to avoid the disputes.

15). It is humbly submitted that the writ petitioners while taking the above fact of letter issued by the Assistant Director S&LRs have approached the Hon'ble High Court and obtained orders on 28.09.2016 in WPMP No.40708/2016 in WP No.32908/2016 to consider the representation of the petitioners in terms of the report of the Asst.Director, S&LRs, Karimnagar dated:01.12.2016.

...Attestor

...Deponent




SPL. Karimnagar
S&LRs
Karimnagar

16). It is humbly submitted that the matter has been examined with reference to the orders of the Hon'ble High Court during the tenure of the present respondent No.2 and observed that the matter was already settled finally during the year 1974 in file No.L8/1563/1974 and implemented in revenue records from the year 1975-1976 onwards and the assignment was made only for 24-00 acres of land out of the reduced extent of 30-28 acres of land in Sy.No.67 is Government land and the simple report of the Asst.Director of S&LRs, Karimnagar was found to be irregular and not sustainable in the eye of Law, for the reason that the boundaries have already been fixed between Peddampet and Ambatipalli villages and implemented in revenue records by the competent authority. Further, the reasons mentioned in the report dt.01.12.2008 were not suffice to raise the present issue in the matter and procedurally incorrect and it does not support the claim of the writ petitioners regarding non-implementation in revenue records.

17). It is humbly submitted that with the above said observation, orders were passed by the 2nd respondent vide ref.No.E/88/2016, dt.27.06.2020 that the question of non-implementation of the orders in file No.L8/1563/1974 of the Asst.Director (S&LRs), Karimnagar in revenue records does not arise. The subject-issue in the case has no merits in their contentions and the claim of the writ petitioners was based on the report of the Asst. Director, S&LRs, Karimnagar vide ref.No.A9/1064/2008, dt.01.12.2008, which was rejected as per law.

...Attestor

...Deponent


SP2, Secretary to Government
Minorities Welfare Department
Telangana Secretariat, Hyderabad

18). It is humbly submitted that as submitted above, the present 2nd respondent has already complied with the instructions issued by the Hon'ble High Court on 28.09.2016 in WPMP No.40708/2016 in WP No.30908/2016 while passing orders vide ref.No.E/88/2016, dt.27.06.2020 duly verifying the records connected to the matter soon after his taking over the charge of the post of the District Collector, Jayashankar Bhupalapalli district. As such, the contention of the petitioners that the present 2nd respondent has willfully and intentionally disobeyed the order of the Hon'ble High Court dt.28.09.2016 in WPMP No.40708/2016 in WP No.32908/2016 is not correct, and far from the truth. The present respondent No.2 has never disobeyed or shown any dereliction in implementing the orders of the Hon'ble High Court during his entire service and even in the present matter also.

19). In view of the facts and circumstances submitted above, the present Contempt Case filed in the matter against the present respondent No.2 is became infructuous, devoid of merits, got no valid grounds and needs no consideration and liable for dismissal. Accordingly, it is prayed the Hon'ble High Court to kindly to dismiss the present Contempt Case and pass such other appropriate order or orders as deem fit and proper by the Hon'ble Court. However, the present respondent No.2 express his unconditional apology for the inconvenience if, any faced by the Hon'ble High Court in this regard.

...Deponent

The deponent solemnly and sincerely affirmed
on this the _____ day of _____ 2022 and signed
his signature in my presence.

...attestor




SPL. Secretary to Government,
Minorities Welfare Depttment,
Telangana Secretariat, Hyderabad.

VERIFICATION STATEMENT

I, Mohammed Abdul Azeem, S/o Aanbdul Hasan, aged about 54 years, former Collector & District Magistrate, Bhupalpalli (presently Spl. Secretary to Government) do hereby verify and state that the contents of the above paras of the counter are true and correct to the best of my knowledge. Hence, verified at Hyderabad on this the __ day of ____2022.

..Deponent

GOVERNMENT PLEADER


Spl. Secretary to Government,
Minorities Welfare Depttment,
Telangana Secretariat, Hyderabad.