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**(2022) 06 TEL CK 0025**  
**In the Telangana High Court**  
**Case No : Contempt Case No. 1630 Of 2021**

Pendekatla Yakaiah

APPELLANT

Vs

V.Anjan Kumar

RESPONDENT

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**Date of Decision :** 07-06-2022

**Acts Referred:**

Contempt of Courts Act, 1971 — Section 10, 11, 12

**Citation :** (2022) 06 TEL CK 0025

**Hon'ble Judges :** K. Lakshman, J

**Bench :** Single Bench

**Advocate :** Mettu Shankar, N Praveen Kumar

**Final Decision :** Allowed

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## Judgement

1. Heard Mr. Mettu Shankar, learned counsel for the petitioner and Mr. N. Praveen Kumar, learned standing counsel appearing for the 2nd respondent.
2. This petition is filed under Sections 10 to 12 of Contempt Case seeking to punish the respondent for willful disobedience and deliberately violating the orders of this Court dated 12.11.2021 in W.P. No. 14948 of 2020.
3. The petitioner herein had filed a writ petition No. 14948 of 2020 against Yellandu Municipality and three others questioning the action of the respondent therein in not implementing the directions of 4th respondent i.e., Deputy Executive Engineer (R and B), Sub-Division, Yellandu, Badradri Kothagudem District, dated 19.05.2020, as illegal and for a consequential direction to the second respondent therein to implement the said directions.
4. It is also relevant to note that Sri Kaluri Pentachari and 4 others have also filed a writ petition No. 6470 of 2021 to declare the action of the official respondents including Yellandu Municipality in trying to demolish the property of petitioner situated at Jagadamba Center main road, Yellandu Town as illegal. This Court vide order dated 12.11.2021 allowed both the writ petitions by setting aside the show-cause notices dated 30.01.2021. The respondent herein is

directed to take steps in accordance with law by putting the persons affected including the petitioner in Writ Petition No. 6470 of 2021, on notice and by affording them an opportunity of hearing and pass appropriate orders in accordance with law. The 2nd respondent is further directed to complete the said exercise within three (3) days from the date of receipt of a copy of this order as requested by 4th respondent therein.

5. Learned counsel would contend that the petitioner herein met the respondent personally and furnished the copy of the said orders. Respondent assured the petitioner that he would comply with the orders and also directions issued by the Court by removing illegal encroachment. Despite follow up action, respondent has not complied with the said exercise and thus violated the orders passed by this Court.

6. Respondent herein filed counter contending that pursuant to the orders passed by this Court, he has contacted the petitioners in W.P. No. 6470 of 2021 in his chambers. In the said writ petition, the petitioners have requested him not to remove their structures as they are in possession since many years and doing their business, which is their livelihood. He came to conclusion that the said structures are road encroachments only and they may not have any valid title deeds and link documents. Permission proceedings were approved by the Municipality or the then Grampanchayat, Yellandu though, the petitioners are in unauthorized enjoyment of Government land. Further, to offer a chance to produce valid documents he has issued notice dated 21.12.2021 for submission of all necessary valid title deeds, link documents etc., Petitioners have not submitted any valid title deeds or documents. Respondent has also prepared final order and is ready to dispose of the same, which will be served to the petitioners within short period. It is further contended that once municipality starts demolishing the structures, there would be big law and order problem that is the reason why municipality is unable to take immediate action on the structures. Except that, there is neither willful nor wonton disobedience on the part of the Municipality. It is further stated that if petitioners fail to submit valid title deeds, link documents, permission proceedings approved by the municipality or then Grampanchayat, Yellandu with regard to the road encroachment portion affected structures, respondent will take necessary action duly removing the road affected portion by giving final order as per the provisions of the Telangana Municipalities Act, 2019, as the encroachments are in Government land and petitioners are in illegal possession.

7. As stated above, Deputy Executive Engineer (R & B), Sub-Division, Yellandu, Badrari Kothagudem District vide his proceedings dated 19.05.2020 informed the respondent herein that many people encroached the existing open places along B.T. road and are running bar and restaurants, shops and other businesses, within the R & B boundary limits from Jagadamba Center to Government Hospital. There is regular traffic interruption occurring at these junction points. The names of the said persons were also specifically mentioned in the list. He

has requested the respondent herein to take necessary steps to evict the said encroachers at an early date.

8. Pursuant to the same, the respondent herein has issued notices to the petitioners in W.P. No. 6470 of 2021 dated 30.01.2021. In the said show-cause notice the respondent has directed the petitioners to remove the said illegal encroachments of R & B main road at Jagadamba Centre within seven (7) days from the date of receipt of said proceedings thereof. This Court vide common order dated 12.11.2021 in W.P. No. 14948 of 2020 and 6470 of 2021 held that the respondent cannot direct the petitioners in WP No. 6470 of 2021 to remove the illegal encroachments in the show cause notice. The same is in violation of principles of natural justice. Therefore, this Court while setting aside the show-cause notices directed the respondent herein to take steps in accordance with law.

9. There is no dispute that respondent herein has not received the said order. In fact, it was passed after hearing learned Standing Counsel appearing for respondent. Even in the present case, the petitioner herein has specifically contended that he has specifically served copy of the order on the respondent. Even in the counter filed by the respondent in the present case, the second respondent has not stated that he has no knowledge of the order under contempt. Though the respondent contended that he has contacted in his chamber, he has not mentioned the date etc., However, he has contended that he has issued the notice dated 21.01.2021 to the petitioner s requesting them to furnish necessary documents issued by Yellandu Municipality or the then Gram Panchayat. None of them have submitted the documents. According to him, he has enquired on 22.02.2021 and came to conclusion that the writ petitioners in W.P. No. 6470 of 2021 and W.P. No. 4653 of 2021 are encroachers. They have encroached the Government land. Even then, the respondent has not taken any action.

10. On the other hand, he has stated in the counter that once the Municipality starts demolition of structures there will be big law and order problem and therefore Municipality is unable to take immediate action on the structures. He has requested the encroachers to submit valid documents. The respondent has filed the counter on 17.03.2022, whereas the order under contempt is dated 12.11.2021. Thus, the respondent herein has not complied with the order under contempt. There is no explanation, much less plausible explanation by the respondent for non-compliance of the order under contempt. Deputy Executive Engineer (R&B) has informed the second respondent about the regular traffic intervention vide proceedings dated 19.05.2020 itself. He has requested the respondent herein to complete the exercise within three days. The respondent has not complied with the said order even by 01.04.2022, the date on which this Court heard the contempt case and reserved for orders. Thus, the respondent herein has willfully and deliberately violated the order dated 12.11.2021 passed by this Court in W.P. No.14948 of 2020 and, as such, he is liable for punishment.

11. The present Contempt Case is accordingly allowed against the respondent herein sentencing him to suffer 02 (two) months imprisonment and to pay a fine of Rs.2,000/- (Rupees Two Thousand Only) within 04 (four) weeks from today.

As a sequel thereto, miscellaneous applications, if any, pending in the Contempt Case stand closed.