

IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT GULBARGA

DATED THIS THE DAY 30<sup>TH</sup> OF SEPTEMBER, 2010

PRESENT

THE HON'BLE MR.JUSTICE N.KUMAR

AND

THE HON'BLE MR.JUSTICE SUBHASH B. ADI

C.C.C. NO. 3062 OF 2010 (civil) ✓

corrected vide  
chamber order  
dt- 16/1/2012

BETWEEN

NAGAMMA  
W/O VASUDEVA RAO SHETTY PATEL  
AGED : 60 YEARS  
OCC: AGRICULTURE & HOUSEHOLD,  
R/O SEDAM  
GULBARGA ... COMPLAINANT

(BY SRI.G.G.CHAGASHETTI  
AND SRI. I.R. BIRADAR, ADV.)

AND

1. BHARATHI HALLIKERI ANR  
TAHSILDAR. SEDAM,  
GULBARGA
2. SRI. R. R. WANAMALE  
ASSISTANT DIRECTOR OF SURVEY  
SETTLEMENT,  
GULBARGA ...

RESPONDENTS

... Accused.

(BY SRI. S.S. KUMMAN, G.A. FOR R1)

✓  
corrected vide  
chamber order  
dt- 16/1/2012

THIS CCC FILED U/S 11 & 12 OF THE  
CONTEMPT OF COURT ACT, PRAYING THAT THIS  
HON'BLE COURT MAY BE PLEASED TO, INITIATE  
CONTEMPT OF COURT PROCEEDINGS AGAINST THE

✓

RESPONDENTS AND TO PUNISH THEM IN ACCORDANCE WITH LAW FOR HAVING DISOBEYED THE INTERIM ORDER PASSED BY THIS HON'BLE COURT DATED 19.3.2008 PASSED IN WP NO. 4475/2008 (LR), IN THE INTEREST OF JUSTICE AND EQUITY.


THIS CCC COMING ON FOR ORDERS THIS DAY, **N.KUMAR. J.** MADE THE FOLLOWING:

ORDER

This contempt petition is filed complaining that the order passed by this court dated 19.03.2008 is not complied with.

2. A perusal of the aforesaid order says Tahsildar has issued an endorsement stating that if there is an excess land, that can be returned to the petitioner after the survey being conducted. It appears that after verification, the Tahsildar has ordered to take back the excess land after surveying the land.

3. Therefore, the order proceeds on the assumptions that there is said to be an excess land surrendered than what was ordered to be surrendered to the Government. Because the Tahsildar has said excess land has to be taken after conducting survey the by Survey Authorities, this Court held that the order



has to be complied with and asked the Assistant Director of Survey Settlement to conduct the survey of the land.

4. The grievance is that such a survey is not conducted. The order is based on what is stated by the Tahsildar. Under these circumstances, the grievance if any, of the complainant should not be of contempt but to work out his remedy in pursuance of the endorsement issued by the Tahsildar.

5. In that view of the matter, we do not see any merits in this matter and accordingly the petition is dismissed.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

JJ