

Date of Order .28.02.2017 CCC No.100027/2017
Sri Ningappa
Vs.
Sri Vijayakumar Abbayya

**IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH**

DATED THIS THE 28th DAY OF FEBRUARY, 2017

PRESENT

THE HON'BLE DR. JUSTICE VINEET KOTHARI

AND

THE HON'BLE DR. JUSTICE H. B. PRABHAKARA SASTRY

CCC No.100027 OF 2017 (CIVIL)

BETWEEN:

- 1 NINGAPPA S/O. GUTTEPPA KAMBLI,
AGE 70 YEARS, OCC: AGRICULTURE,
R/O. KURUBGERI ONI, RANEBENNUR,
DIST. HAVERI.

KUBERAPPA S/O. PUTTAPPA KAMBLI,
SINCE DECEASED BY L.RS.
- 2 SMT. SHARADA W/O. KUBERAPPA KAMBLI,
AGE 52 YEARS, OCC: HOUSEHOLD,
R/O. RANEBENNUR, DIST. HAVERI.
- 3 SMT. VIDYA D/O. KUBERAPPA KAMBLI,
AGE 36 YEARS, OCC: DOCTOR,
R/O. TORANAGAL, TQ AND DIST. BALLARI.
- 4 MALATESH S/O. KUBERAPPA KAMBLI,
AGE 34 YEARS, OCC: AGRICULTURE,
R/O. RANEBENNUR, DIST. HAVERI.
- 5 SMT. VEENA W/O. PRASHANT MANAGE,
AGE 30 YEARS, OCC: ADVOCATE,
R/O. NAVANAGAR, TQ. HUBBALLI,

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- 6 VANI D/O. KUBERAPPA KAMBLI,
 AGE 31 YEARS, OCC: DOCTOR,
 R/O. RANEBENNUR, DIST. HAVERI.
- 7 MAHESHAPP S/O. KUBERAPPA KAMBLI,
 AGE 29 YEARS, OCC: ADVOCATE,
 R/O. RANEBENNUR, DIST. HAVERI. ... COMPLAINANTS

(BY SRI DINESH M.KULKARNI, ADV.)

AND:

SRI VIJAYAKUMAR ABBAYYA,
 EXECUTIVE ENGINEER,
 NH4 DIVISIONAL OFFICE,
 NATIONAL HIGHWAY DIVISION,
 NEAR SUB-JAIL, HUBBALLI,
 DIST. DHARWAD. ... ACCUSED

(BY SRI C.S.PATIL, ADV.)

THIS CCC IS FILED UNDER ARTICLE 215 OF THE
 CONSTITUTION OF INDIA R/W. SECTION 11 AND 12 OF THE
 CONTEMPT OF COURTS ACT, 1971, PRAYING TO PUNISH THE
 ACCUSED FOR CONTEMPT OF THE COURT UNDER SECTIONS 11
 AND 12 OF THE CONTEMPT OF COURTS ACT FOR DISOBEYING
 THE ORDER DATED 08.07.2016 PASSED IN WP NO.60420/2009
 VIDE ANNEXURE-A IN THE INTEREST OF JUSTICE AND EQUITY.

THIS CCC COMING ON FOR ORDERS THIS DAY,
DR. VINEET KOTHARI, J., MADE THE FOLLOWING:

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ORDER

Mr. Dinesh M.Kulkarni, Adv. for complainants.

Mr. C.S.Patil, Govt. Adv. for accused.

1. Learned Government Advocate has produced before us, a memo along with a copy of the order dated 25.02.2017 passed by the Executive Engineer, National Highway Division, Hubballi, to the effect that the land in question does not belong to the present complainants/petitioners and therefore, compensation cannot be paid to them.

2. The direction of the learned Single Judge in the order dated 08.07.2016 was that “if the conclusion is that the land of the petitioners has been utilized and the petitioners are to be compensated, the authority to pay the compensation shall also pay the compensation as expeditiously as possible thereafter”.

3. In view of the aforesaid, we do not find any deliberate disobedience on the part of the accused -

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respondent in the present matter. The complainants are, however, free to challenge the said order dated 22.02.2017 in accordance with law, if so, advised.

4. With the aforesaid liberty to the complainants, the contempt petition is dismissed. Notice discharged.

**Sd/-
JUDGE**

**Sd/-
JUDGE**

Jm/