

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.C.No.223 of 2015

ORDER:

This Contempt Case is filed alleging violation by 1st respondent herein of the order dt.10-11-2014 in W.P.No.30889 of 2014.

2. Petitioner had filed W.P.No.30889 of 2014 alleging that respondent Nos.2 and 3, who have been impleaded subsequently in this Contempt Case, were making constructions unauthorizedly in the subject property and she sought a direction to 1st respondent to remove the same.

3. By order dt.10-11-2014, this Court issued notices to the respondents in the Writ Petition directed the matter to be listed after ten days and "in the meantime" directed respondent Nos.2 and 3 not to make any further constructions in the subject property.

4. Alleging that 1st respondent herein is not ensuring compliance with the above order, this Contempt Case is filed.

5. However, in the affidavit filed in support of this contempt case, it is nowhere stated that in the ten day period between the date of passing order and its next listing, any constructions were made by respondent Nos.2 and 3.

6. The respondent Nos.2 and 3 have filed before me copy of the order dt.10-06-2014 in I.A.No.873 of 2013 in O.S.No.20 of 2003 of the Additional Senior Civil Judge, Tirupathi, wherein a finding has been recorded while dismissing an injunction application filed by the petitioner that constructions had already been completed even by that date by respondent Nos.2 and 3 herein.

7. Having regard to the said facts, I am of the opinion that the petitioner has not established that respondent Nos.2 and 3 herein with the collusion of 1st respondent, had violated the order passed by this Court on 10-11-2014 since *prima facie* it appears that the constructions alleged to have been made by respondent Nos.2 and 3 were completed even by June 2014.

8. Therefore, the Contempt Case is devoid of any merit and it is accordingly dismissed. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-12-2015

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