

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1359 OF 2012

-

ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed by this Court in W.P. No.9099 of 2006 dated 20.01.2012 wherein this Court, after noting that the order of the Civil Court, in O.S. No.991 of 2001 dated 05.07.2005, merely prohibited the respondents from taking action except under due process of law, directed the 3rd respondent to have the encroachments removed, on the 10 feet wide road shown in the layout, within a period of three months from the date of the order.

A counter-affidavit is filed by the 1st respondent stating that, after several efforts, the encroachers were finally evicted, and the road was restored. Though the counter-affidavit was filed as early as on 14.11.2012, no reply affidavit has been filed thereto. I see no reason, therefore, to disbelieve the specific averment in the counter-affidavit that the encroachers have been evicted, and the road was eventually restored in compliance with the order of this Court.

Sri P. Prabhakar Rao, Learned Counsel for the petitioner, would submit that, while this Court had only directed the respondents to evict the encroachers, the respondents had demolished the structures constructed in accordance with the layout plan, and had revised the pattas granted in favour of the petitioners. The illegal action, if any, of the respondents can only be agitated in separate writ proceedings, and not in contempt proceedings. I see no reason, therefore, to proceed against the respondent under the Contempt of Courts Act. The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 04.12.2015.

MRKR