

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Contempt Case No.150 of 2015

ORDER:

Heard Smt.Ch.Sujatha, learned counsel for the petitioner and Sri M.Sudarshan and Sri N.Venkateswarlu, learned counsel representing the respondent.

2. This Contempt Case is filed alleging that there is willful violation of the common order dt.30-10-2014 passed by this Court in W.P.Nos.29445, 27597 and 24124 of 2014. Those Writ Petitions were disposed of by this Court directing 2nd respondent to proceed after giving opportunity to petitioners in all the Writ Petitions about the alleged deviations made by them and to take action thereafter in accordance with the provisions of the AP Municipalities Act, 1960.
3. The grievance of the petitioner herein is that in spite of the order having been passed on 30-10-2014, no steps have been taken by 2nd respondent and no action has been taken to remove the constructions made by the petitioner's neighbour by name K.Surendra Kumar.
4. Counter affidavit has been filed by 2nd respondent stating that he was appointed as a Commissioner of the Bhimavaram Municipality only on 08-12-2014; since it was his first assignment on account of lack of knowledge in administrative affairs, he took sometime to understand the affairs of the said Municipality to deal with them; that on 05-01-2015, the file relating to this matter was placed before him by the Town Planning and Building Overseer/Supervisor (TPBO), thereafter, he directed the said officer to submit a detailed report after physical inspection of the

subject building for taking further action; the personal inspection was done by the TPBO of the properties of the Sri Surendra Kumar, measurements and deviations were noted and report was given on 10-01-2015. Likewise physical inspection was also made of the property of the petitioner and deviations noticed were recorded in a report and it was submitted to 2nd respondent on 19-01-2015. Then records were verified as to whether there was regularization of the physical deviations under the BRS scheme and after verification of the same, since the constructions made were not regularized under the said scheme, further action was initiated by issuing notices on 18-02-2015 to all the parties requesting them to attend enquiry on 21-02-2015 and ultimately an order has been passed on 23-02-2015.

5. Since the grievance of the petitioner as to consideration of the petitioner's representation as directed by this Court in its Order dt.30-10-2014 has thus been addressed by 2nd respondent although there is slight delay in implementation of the order, I am satisfied that there is no willful disobedience of the order passed by this Court in the above Writ Petitions. Therefore, 2nd respondent is directed to take further action pursuant to his Order dt.23-03-2015 in Roc.No.2769/2014/GI in accordance with law.
6. Accordingly, the Contempt Case is closed. No costs.
7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 23-04-2015

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