

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2169 of 2014

Dated : 11.12.2015

Between:

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V. Raja Rajeswari W/o.Someswara Rao,
Hindu, Aged about 61 yrs, Occu : House wife,
R/o.D.No.69-3-15/B,
Ramanaiahpetta, Kakinada,
East Godavari District.

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Petitioner

And

Srungavarapu Govinda Swamy
S/o.Not Known to the petitioner,
Commissioner, The Kakinada Municipal Corporation,
Kakinada, East Godavari District.

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Respondent

This Court made the following :

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ORDER :

Petitioner filed the writ petition challenging the endorsement dated 04.07.2013 of the Municipal Corporation, Kakinada, revoking building approval plan and directing removal of the constructions made so far. This Court granted interim suspension of the said endorsement in W.P.M.P.No.24930 of 2013 in W.P.No.20324 of 2013 dated 12.07.2013.

2. Alleging that the said order is violated and the officials of the respondent-Municipal Corporation were illegally interfering with the construction activity taken up by the petitioner inspite of the order of suspension granted by this Court, this Contempt case is filed.

3. In Para No.6 of the counter affidavit filed on behalf of the Commissioner, Kakinada Municipal Corporation, it was stated that the respondent-Municipal Corporation has not interfered with the construction activity of the petitioner.

4. Since the petitioner disputed about the said statement by referring to the Photographs stating that the officials have visited the subject premises obstructing the construction, an additional affidavit is filed and in Para No.3 of the additional Counter affidavit, the Commissioner, stated that having come to know that the officials have visited the subject premises, memos were issued to the concerned officials calling for their explanations. The concerned officials have submitted their explanations stating that they did not interfere with the construction but they have visited the area only to verify the complaints and RTI application against the construction of the building of the petitioner. It is further stated that having obtained interim orders, the petitioner has completed the construction in deviation to the sanction

plan. It is further stated in Para No.4 that the officers of the Corporation were present while conducting their regular inspection and they have not taken away utensils and bicycle of the employees of the petitioner. In para No.5 of the counter, the Commissioner has also categorically stated that he has not interfered with the construction activity of the petitioner.

5. Learned counsel for the petitioner fairly submits that petitioner has completed the construction of building.

6. Having regard to the fact that there is no further obstruction and building construction is completed and the complaint of the petitioner that some officers are trying to obstruct, explanation was called for from the said officers, it cannot be said that the Commissioner has violated the orders of this Court deliberately and willfully warranting continuation of the proceedings under the Contempt of Court Act. The explanation offered by the respondent-Commissioner is satisfactory. Hence, I do not intend to proceed against the respondent further in the Contempt case.

7. Contempt Case is accordingly closed. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this Contempt Case shall stand closed.

P.NAVEEN RAO,J

11th December, 2015
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