

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Contempt Case No. 528 of 2015

Order:

This Contempt Case is filed alleging non-implementation of the orders of this Court passed in WP No.9115 of 2006, dated 03.03.2014.

2. The Writ Petition was filed challenging the order dated 06.04.2006 made in Appeal No.1 of 2005 of the third respondent as arbitrary and illegal. This Court, after considering the facts, passed the following order.

“In the instant case, the appeal was disposed of by the Chairperson instead of by the Municipal Council-2nd respondent herein. Chairperson cannot be equated with the Municipal Council. The learned Counsel, however, submits that he was not given an opportunity to represent the case at the time of disposal of the appeal. In view of the lack of jurisdiction to the 3rd respondent and in view of the violation of principles of natural justice, the order dated 06.04.2006 passed by the 3rd respondent is set aside and the matter is remanded to the 2nd respondent to consider and dispose of the Appeal No.1 of 2005 preferred by the 1st respondent after giving due opportunity to the 1st respondent as well as to the petitioners within a period of three (3) months from the date of receipt of a copy of this order.”

3. Though, pursuant to the said order, the appeal was not disposed of within the time stipulated, the appeal was ultimately disposed of on 02.12.2015. Learned counsel for the first petitioner and the second petitioner in person submit that the order passed by the Municipal Council in the appeal on 02.12.2015 is not in accordance with law. They further submit that the matter has to be enquired into in the present contempt proceedings.

4. This Court cannot go into the validity of the order passed by the Municipal Council and it is always open to the aggrieved parties to

challenge the said order in appropriate proceedings.

5. In view of the same, this Contempt Case is closed. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Contempt Case shall stand closed.

A.
Date: 15.07.2016
Nsr

RAMALINGESWARA RAO, J