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HON'BLE SRI JUSTICE P.NAVEEN RAO

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CONTEMPT CASE No.2106 of 2015

ORDER:

This Court on 22.09.2015 in W.P.No.28067 of 2015 passed the following order:

"Notice before admission.

Learned Standing counsel for the respondent submits that there are deviations in the construction undertaken by respondents 5 to 6.

Having regard to the same, 4th respondent is directed to ensure that no further construction takes place in the premises by respondents 5 and 6."

2. Alleging that the order of this Court is violated and further construction is made, this contempt case is filed.

3. Along with the contempt petition, photographs were enclosed showing as if construction activity is going on even after the interim order was passed.

4. In the counter affidavit filed by the Panchayat Secretary, he denies the allegation that further construction is being made. According to the deponent no further construction was allowed by him and the building remains as it is, as it was, when the orders were passed. Along with the counter the photographs were also filed showing the status of building remaining same as it was.

5. Along with the reply affidavit filed by the petitioner, some more photographs were filed alleging that construction took place after 22.09.2015. However, no proof is filed to show that such construction activity was taken up after the interim order was passed. Though photographs show construction activity, in the absence of any other material to authenticate the dates shown on the photographs, it cannot be held that there was wilful and deliberate disobedience on the part of the respondent in compliance of the orders. If according to the petitioner respondents 5 and 6 in the writ petition have violated the order, petitioner ought to have proceeded against them, but, whereas contempt is filed against the Panchayat Secretary.

6. Having regard to the above, the contempt case is closed leaving it open to the petitioner to work out his remedies, if any illegalities are committed by respondents 5 and 6 in the writ petition. There shall be no order

as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,J

8th August, 2016
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