

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.2151 OF 2015

Dated:27.09.2016

Between:

The S.V.U. Teachers Co-operative House
Building Society, Nalanda Nagar, rep., by
its Secretary, Mr. V. Ravindra, Tirupati,
Chittoor District

.. Petitioner

AND

P. Venkateswarlu, S/o. Gangayya,
Hindu, Aged about 51 years, Occ: Panchayat
Secretary, The Peruru Gram Panchayat,
Peruru Village, Tirupati Rural Mandal,
Chittoor District and others

.. Respondents



The Court made the following:

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ORDER:

Alleging disobedience on the part of the Gram Panchayat in preventing the illegal constructions made by respondents 2 and 3 herein, who are respondents 5 and 6 in the writ petition, pursuant to the interim order, dated 20.08.2015 granted by this Court in W.P.M.P.No.23327 of 2015 in W.P.No.18044 of 2015, this Contempt Case is filed.

2. The said interim order reads as under:

“Learned standing counsel for third respondent Gram Panchayat submits that though building permission granted to respondents 5 and 6 is only for ground plus two upper floors, more than two floors have been constructed. It is also seen from the affidavit that in the earlier litigation in C.C.No.1662 of 2011 respondents 5 and 6 herein who are respondents therein have gave an undertaking that they have stopped the construction work and not a single brick is moved thereafter, but still construction was made.

In view of the same, third respondent is directed to ensure that no further construction is made by respondents 5 and 6.

Notice.”

3. Having received notices, respondents 1 to 3 filed separate counter affidavits, wherein it is stated that after passing of the said interim order, respondents 2 and 3 herein have stopped the further construction and the Gram Panchayat has also issued notices and is taking steps to ensure that no further construction is made.

4. Heard learned counsel for the petitioner, learned Standing Counsel for the Gram Panchayat and Sri T. Sanjay Rao, learned counsel representing respondents 2 and 3.

5. Learned counsel for respondents 2 and 3 contends that after the interim order passed by this Court on 20.08.2015, no further construction is made and whatever constructions visible from the photographs placed on record were made prior to the interim order.

6. Learned Standing Counsel for the Gram Panchayat asserts that Gram Panchayat also ensures that no further construction is made on the third floor and the existing structure is only external one, but there is no internal structure made after interim order. Learned Standing Counsel has produced the original permission plan granted by the Gram Panchayat, which shows that permission for construction of stilt plus two floors was granted and what was alleged was construction above second floor.

7. Since there is no other material which could establish that illegal construction was made contrary to the direction of this Court, it cannot be said that there is violation of the interim order dated 20.08.2015, particularly when respondents 2 and 3 categorically assert that no further construction is taken up by them, and they would not take up any further construction until the said order is vacated by this Court.

8. Hence, the Contempt Case is closed.

P. NAVEEN RAO, J

Date:27.09.2016
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