

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.116 of 2017

Date:13.6.2017

Between:

Ayyaluru Anki Reddy,

S/o Ayyaluru Brahma Reddy

..... Petitioner

And:

Sri Sunil Sharma, Principal Secretary,

Roads & Buildings Department,

State of Telangana and four others.

.....Respondents

Counsel for the petitioner: Dr. E.Seshagiri Rao

Counsel for respondent Nos.1 to 3: GP for Roads & Buildings
(TS)

Counsel for respondent No.4: Mr. G.Narender Reddy

Counsel for respondent No.5: GP for Revenue (TS)

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.116 of 2017

ORDER.

By order, dated 04.11.2016, in Writ Petition No.37950 of 2016, this Court granted interim stay as prayed for. The prayer sought was to stay demolition of the petitioner's building and structures situated in land admeasuring 583 square yards in house bearing No.1-26, 1st Ward of Banigandlapadu Village, Yerrupalem Mandal, Khammam District. The said interim order was initially granted for a period of one week and later, it was extended by eight more weeks on 01.12.2016.

This Contempt Case is filed alleging that in spite of the said interim order, the respondents demolished the petitioner's property on 02.12.2016. In support of the said contention, photographs are filed containing the date on them as '02.12.2016'. The petitioner seeks to contend that on the said date, the property was demolished.

With reference to the allegation that the petitioner's property was demolished by the respondents, it is asserted by the Deputy Executive Engineer in his counter-affidavit that on 02.12.2016, he and his subordinates were involved in a meeting held in the Office of the Engineer-in-Chief, Telangana Tourism Development Corporation, Khammam. The same

avermment is made by the Superintending Engineer in his counter-affidavit.

Except contending that the property was demolished after the interim order was passed and relying on the photographs, no other material is filed by the petitioner to show that deliberately and willfully the respondents, in violation of the directions issued by this Court, demolished the property after the interim orders were passed. There is no denial to the specific stand of the respondents in their respective counter-affidavits that on 02.12.2016, they could not have been physically present at the petitioner's property as they were otherwise attending to an official programme in Khammam.

Respondent No.4-Panchayat Secretary in his counter-affidavit stated that he is no way concerned with the alleged demolition of the petitioner's property and the allegation made by the petitioner in the Contempt Case is against respondent Nos.2 and 3 only and sought for dismissal of the Contempt Case insofar as he is concerned.

In view of the specific assertion of the Superintending Engineer and the Deputy Executive Engineer that they were not physically present at the petitioner's property on the day, the alleged demolition took place and that they were away from the subject place, which is not controverted by the petitioner, it

cannot be said that the respondents, in violation of the directions issued by this Court, demolished the petitioner's property committing contempt of the orders of this Court.

No case is made out for initiating the proceedings against the respondents under the Contempt of Courts Act, 1971. The Contempt Case is, accordingly, closed. However, it is needless to mention that if the petitioner secures material to show that such demolition was made by the respondents after the interim order was passed by this Court, it is always open for him to take up appropriate proceedings.

JUSTICE P.NAVEEN RAO

13th June, 2017

DR

