

THE HONOURABLE SRI JUSTICE RAJA ELANGO

CONTEMPT CASE No.2009 of 2012

ORDER:

The Contempt Case is filed by the petitioners under Sections 10 to 12 of the Contempt of Courts Act, praying the Court to punish the respondents herein for willful and deliberate disobedience of the order, dated 04.02.2011, passed by this Court in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010.

On 04.02.2011, this Court passed the following order in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010:

“No counter affidavit is filed by the respondents, even though they are served with notices.

Pending further orders, it is directed that the respondents 5 to 9 shall not make any constructions over the land in Survey Nos. 113 to 120 of Karmanghat Village, Saroor Nagar Mandal, R.R. District, unless they are issued construction permission by the Municipal Corporation.”

The case of the petitioners is that respondents 4 to 8 are proceeding with the construction, which action is contrary to the order passed by this Court in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010, dated 04.02.2011.

Heard and perused the entire material available on record.

Learned counsel for the petitioners, relying on the photographs taken by the petitioners herein, submitted that the respondents 4 to 8 are still proceeding with the construction activities, even after the direction passed by this Court vide order, dated 04.02.2011, in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010.

On 05.02.2013, this Court closed the present contempt case against respondents 1 to 3 and issued show cause notice to respondents 4 to 8.

When the matter is taken up for hearing today, the 5th respondent filed counter affidavit wherein it is stated that the above contempt petition is not maintainable in law nor on facts as the petitioners have not violated any orders of this Court much less the order, dated 04.02.2011, made in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010 and that there are no permanent structures constructed over the subject land except for one or two rooms constructed for the purpose of living which were constructed long back and that no constructions have been made after passing of the order, dated 04.02.2011, which was also confirmed by the official respondents in their respective counter affidavits.

Learned counsel for the 5th respondent submitted that respondents 4 to 8 have also applied for Occupancy Rights Certificate in that area to the concerned authorities.

Considering the said facts and circumstances and the submissions of the learned counsel for the petitioners as well as the learned counsel for the 5th respondent, the Contempt Case is disposed of with the following direction:

The petitioners are directed to give a representation to the 1st respondent, if respondents 4 to 8 are proceeding with the construction activities, contrary to the order, dated 04.02.2011, in W.P.M.P.No.30280 of 2010 in W.P.No.23661 of 2010 and on such representation, the 1st respondent is directed to take appropriate action, in accordance with law.

Accordingly, the Contempt Case is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

RAJA ELANGO,J

Date: 6th February, 2017

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