

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1052 OF 2017

ORDER:

This contempt case is filed alleging non-implementation of the order, dated 02.02.2017, passed by this Court in W.P.No.3235 of 2017.

By the aforesaid order, this Court directed respondent No.2 to entertain the appeal/representation submitted by the petitioner and pass appropriate orders thereon, within a period of two weeks from that date.

In the affidavit filed in support of the contempt case, it is stated that the petitioner gave a representation on 26.04.2017 and the same was acknowledged by the respondent herein on 04.05.2017.

The respondent filed a counter-affidavit stating that she is not the Joint Director though she is an Appellate Commissioner, Municipal Administration and Urban Development Department, Guntur, and her Office is not situated at the Head Quarters of Guntur, but the same is situated at Brodipet, Guntur. She states that her Office never received the representation, dated 26.04.2017, submitted by the petitioner. Therefore, there was no occasion for her to consider the same. She further states that, as a matter of fact, no appeal lies and probably, the petitioner was under mistaken impression that the appeal lies in the matter. Apart from that the appeal was filed even beyond the stipulated

time. She also states that non passing of orders was neither wilful nor wanton and it is only on account of the fact that the alleged representation was never placed before her.

Though the learned counsel for the petitioner asserts that the representation was served on the respondent, no material is placed before this Court. Further, as there is ambiguity with regard to the address of the Appellate Commissioner, it cannot be said that there is any contempt on the part of the respondent.

Therefore, the contempt case is closed. It is made clear that the respondent being the head of the Municipal Administration and Urban Development Department shall cause enquiry with respect to the representation, dated 26.04.2017, submitted by the petitioner and ensure that necessary orders are passed thereon, within four weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:20.12.2017

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