

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.333 OF 2017

Dated:07.07.2017

Between:

Ponnepalli Venkata Chalapathi,
S/o. Late P. Govindaiah, aged
About 43 years, Occ: Advocate,
R/o.D.No.9-733, Gandla Street,
Bahadurpet, Srikalahasti,
Chittoor District

.. Petitioner

And

G. Chandraiah, S/o. Not known to
Petitioner, Commissioner, Srikalahasti
Municipality, Srikalahasti,
Chittoor District

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**CONTEMPT CASE No.333 OF 2017****ORDER:**

This Contempt Case is filed alleging disobedience of the directions issued by this Court in W.P.No.45737 of 2016, dated 29.12.2016, wherein this Court observed that the respondent – Municipality should ensure that unofficial respondents in the writ petition shall comply with the building permission norms and do not deviate from the permission granted to them causing hardship to the neighbours.

2. Alleging that the said direction of this Court is violated and the unofficial respondents have undertaken the construction, this Contempt Case is filed.

3. In the counter affidavit filed on behalf of the respondent – Municipality deposed by the Municipal Commissioner, it is averred that when the action was initiated against the unauthorized construction made by Kannappasetti Annamalai and Kalathuru Mani, the unofficial respondents in the writ petition, they filed W.P.Nos.20678 and 20676 of 2017 and the said writ petitions were disposed of on 23.06.2017 with certain directions. The Court directed not to demolish the structures in subject property till the directions issued are complied with. It is further averred that there appears to be an *inter se* dispute between K. Annamalai, K. Mani and their vendor and petitioner instituted O.S.No.50 of 2016 before the competent Court and the said suit is pending. Petitioner also filed interlocutory application praying to

grant injunction to stop the construction made by the unofficial respondents in the writ petition.

4. Learned standing counsel for the respondent – Municipality submits that in view of the directions issued by this Court in W.P.Nos.20678 and 20676 of 2017, no further action could be taken against the unauthorized construction.

5. Having regard to the said submission, it cannot be said that there is deliberate or willful disobedience warranting initiation of contempt of Court proceedings against respondent.

6. The Contempt Case is accordingly dismissed.

Date:07.07.2017

KH

P. NAVEEN RAO, J

