

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 985 of 2017

Date :28.7.2017

Between :

Ravipati Venkateswar Rao S/o Koteswar Rao
56 years R/o H NO 23-6-231,
Huntur Road, Hanamakonda,
Warangal district

Petitioner

And

Sarfaraj Ahmed
Vice Chairman
KUDA, Warangal

Respondents

The Court made the following:



ORAL ORDER:

Petitioners claim to be owners of house plots in Venkateswara Hills Housing Colony, Survey No. 938, Shayampet, Hanamakonda mandal, Warangal district. According to them there was 40 feet wide road existing which connects the house plots of the petitioners to the main road and Kakatiya Urban Development Authority (KUDA) was taking measures to construct a compound wall and intending to block the road which petitioners were using for a long time. Petitioners claim that on 30.6.2015 representation was made by the association to the Vice Chairman of KUDA. Having regard to these facts, writ petition was disposed of directing KUDA to examine the grievance in the petitioners and pass appropriate orders within a period of three weeks. This Court further directed that for a period of four weeks or till orders are passed on the representation of the petitioners, KUDA should not block the existing 40 feet wide road. Alleging violation of the said directions of this Court and construction of compound wall this contempt case is filed.

2. In the counter affidavit filed on behalf of KUDA, contentions specifically urged by the petitioners were not denied except making a vague statement that compound wall was constructed prior to passing of interim orders. Since counter affidavit is vague, further opportunity was given to the respondents to file additional counter affidavit. Additional counter affidavit filed deposed by Mr.Sarfaraj Ahmed, Commissioner, Warangal Municipal Corporation holding full additional charge of Vice Chairman, KUDA. In the counter affidavit, it is categorically deposed that compound wall was constructed much prior to the orders passed by this Court and in fact contractor was made full payment after completion of the work. The statement of schedule of commencement, completion of work and payment, signed by Executive Engineer, KUDA on 13.10.2016 is enclosed to material papers at serial no.31. The said statement

would disclose that agreement was entered on 27.6.2015; completion of compound wall on 15.7.2015 and payment was made on 17.10.2015. Bare perusal of the representation submitted by the petitioner association on 13.7.2015 would also disclose that by then contract was awarded and contractor has undertaken construction of the compound wall. There is no other material to dis-lodge the stand of the respondents. Therefore, it cannot be said that there is violation much less willful and deliberate violation of the orders of this Court warranting initiation of contempt proceedings.

3. Accordingly, contempt case is closed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

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P NAVEEN RAO,J

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