

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1243 of 2016

ORDER :

This Court passed the following interim order:

“Learned Standing Counsel seeks time to obtain instructions.

Post the Writ Petition for admission on 06.06.2016.

For a period of three weeks, the respondents are directed not to take any coercive steps pursuant to the orders of the Commissioner, Municipal Corporation, Eluru vide U.C.B.A.No.2/2016/23/13/G2, dated 16.05.2016.”

Petitioner alleges that, even though interim order was passed restraining the respondent from demolishing the property, the property was demolished on 20.04.2016 in violation of the directions of this Court. Extensive damage was caused to the property.

Learned counsel for the petitioner submits that, as the order was passed in the presence of the learned counsel for the respondent-municipal Corporation, it is expected that the learned counsel would inform the respondent and, therefore, the respondent-Corporation was aware of the orders passed before the demolition was taken up.

It is not in dispute that the writ petition was taken up by way of lunch motion during the Summer vacation of the Court and the copy of the order was not communicated to the respondent before the demolition took place.

In the affidavit filed on behalf of the respondent, it is categorically asserted that the petitioner did not inform about filing of the Writ Petition and the orders passed by the Court. Except making an allegation in the affidavit that the petitioner was

requested to produce copy of the order, no other material is filed to show that the Corporation officials were having knowledge of passing of the interim orders before demolition of the constructions made.

If copy of the order was not served and a communication in writing was not given to the Municipal Corporation about passing of the interim order by the Court, before demolition was taken up, it cannot be said that the respondent had deliberately and wilfully violated the directions of the Court in undertaking demolition of the property in issue.

The Contempt Case is closed. However, it is open to the petitioner to put forth his grievance with reference to the demolition and the manner in which the demolition was taken up in the pending Writ Petition. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Contempt Case shall stand closed.

02nd June, 2017
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P.NAVEEN RAO,J