

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Contempt Case No.2546 of 2016

Date: 09.06.2017

Between:

Mr.Vanga Sambhi Reddy and another

..... Petitioners

and

Elika Raghavulu

.....Respondent

Counsel for the Petitioners: Mr.Sricharan Telaprolu

Counsel for the respondent: Mr.GVS.Mehar Kumar

The Court made the following:



Order:

Interim Order, dated 05-01-2016, in WP.No.162 of 2016 gave rise to the present Contempt Case in view of the petitioners' grievance that despite an unequivocal restraint order passed by this Court against the respondent from carrying out further demolition of the structures raised by them, the same were demolished.

The respondent filed a counter-affidavit denying his involvement in the demolition of the two buildings belonging to the petitioners. On the direction of this Court, the respondent has filed an affidavit on 12-04-2017, wherein he has named the following persons as responsible for demolition of the buildings:

1. Pavuluri Anjaneyulu S/o Kotaiah, aged about 63 years
2. Pavuluri Vamsi Krishna S/o Rama Rao, aged about 35 years
3. Pavuluri Chandrasekhar S/o Koteswara Rao, aged about 32 years
4. Kandru Masthan Chowdary, S/o Sivarama Krishna, aged about 24 years
5. Kandru Brahmaiah S/o Tirupathaiah, aged about 34 years
6. Kandru Murali Krishna S/o Nageswara Rao, aged about 23 years
7. Pavuluri Poronachandra Rao S/o Sivaramaiah, aged about 33 years
8. Pavuluri Srinivasa Rao S/o Ramaiah, aged about 47 years.

Though the petitioners blame the respondent for being responsible for the demolition, except some photographs showing that the respondent was, allegedly, present at the time of demolition, no other evidence has been filed by them to substantiate their plea that at the instance of the respondent, the buildings were demolished.

The scope of the contempt jurisdiction is limited inasmuch as the issues need to be determined generally based on the material on record. Hence, it is not possible for this Court to determine the disputed question of fact as to whether the petitioners' buildings were demolished at the instance of the respondent or he arrived at the site on hearing about the demolition as averred by him in his counter affidavit.

The learned Counsel for the petitioners submitted that his clients have already filed a private complaint against the respondent and others for illegal demolition of their buildings.

The petitioners are, therefore, entitled to pursue the said remedy. In addition to the same, the petitioners are also free to claim damages against the respondent and others, who are responsible for the demolition of their buildings despite existence of the restraint order of this Court before the competent Court of law.

Subject to the above liberties reserved with the petitioners, the Contempt Case stands disposed of.

(C.V.Nagarjuna Reddy, J)

Dt: 09th June, 2017
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