

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1490 OF 2016

Date : 2.6.2017

Between :

Indukuri Venkata Lakshmi W/o Sriram Murthy Raju
R/o H No. 25-10-20, Narsimharaopet, Eluru
West Godavari district

Petitioner

And

Sri R Karikal Valaven IAS
Prl Secretary, MA & UD Department, A P
Secretariat, Hyderabad and others

Respondents

The Court made the following:



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ORAL ORDER:

Writ Petition No. 23371 of 2015 was disposed of by order dated 29.7.2015 directing the Commissioner of Municipal Corporation to examine the grievance of the petitioner as ventilated in the representations submitted to the Mayor on 16.1.2015 and to the Commissioner on 15.4.2015 and to take corrective steps if required, or intimate the petitioner the proper course of action to be adopted. Alleging inaction in considering the said representations, this Contempt Case is filed.

2. In substance, the grievance of the petitioner necessitating institution of the writ petition is that a peepal tree which was planted long back in the southern side of Ramalayam has now grown and its roots are grown underground and are affecting the structure of the petitioner and adjoining buildings. On account of the same, there are apparent cracks in the wall as well as on the floor inside the compound, therefore petitioner apprehends threat to her property and person.

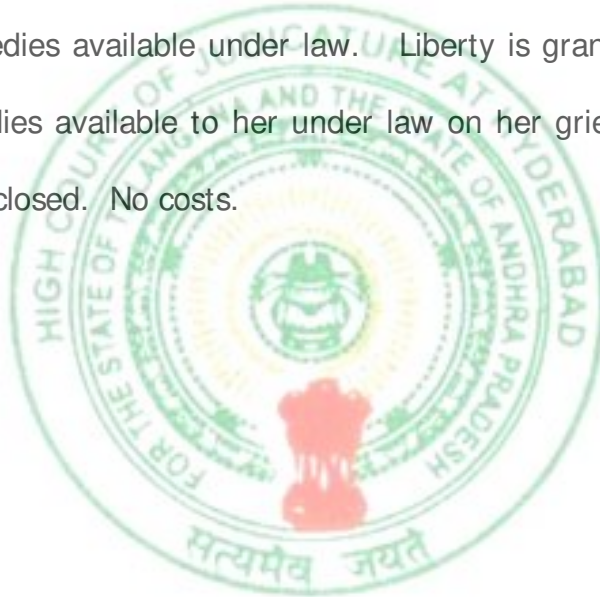
3. In the counter affidavit filed by the Commissioner of respondent corporation, it is stated that the corporation has applied to Forest department for granting permission to cut the tree and so far permission is not granted; in the mean time the branches of tree were cut to ensure that it would not cause any inconvenience to the petitioner. As clearance was not granted by Forest Department, Commissioner informed the petitioner that appropriate steps would be taken after the Forest department grants permission.

4. In other words, petitioner was informed by the Commissioner that unless permission is granted by Forest department, he cannot undertake the task of removal of Peepal tree. Having regard to these facts and endorsement given, it cannot be said that the Commissioner has deliberately violated the directions issued by this Court.

5. Learned counsel for petitioner sought to contend that there was no requirement of obtaining permission from the Forest department and on that ground, not removing the tree does not amount to compliance of the directions of this Court.

6. As seen from the order passed by this Court, the direction was to examine representation and to take suitable corrective action. Steps taken by the Commissioner of respondent corporation, as narrated in the counter affidavit would show that appropriate steps were taken by him and as there was no direction to remove the tree, it cannot be said that the decision communicated to the petitioner would amount to deliberate and willfully violating the directions of the Court. At the most, it may give rise for fresh cause of action to petitioner to workout her remedies available under law. Liberty is granted to the petitioner to workout remedies available to her under law on her grievance. Accordingly, contempt case is closed. No costs.

DATE:2.6.2017
TVK



P NAVEEN RAO,J

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