

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Contempt Appeal No.29 of 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This contempt appeal is preferred against the order passed by the Learned Single Judge in C.C.No.1459 of 2015 dated 18.08.2017. The appellant herein is the respondent in the contempt case. He is aggrieved by the order passed by the Learned Single Judge directing him to re-erect the structures mentioned in the panchanama, filed by the petitioner in the contempt case, within a period of two weeks at his personal expense besides being sentenced to imprisonment of one month and fine of Rs.1,500/- to be paid within four weeks from the date of the order.

When the matter came up before us on 22.09.2017, we had recorded the undertaking of the learned Special Government Pleader that the demolished portion would be re-constructed within ten days. An affidavit is filed today by the appellant herein, who retired as the Commissioner of the Municipality on 30.09.2017, enclosing thereto certain photographs which indicate that, while the old RCC structure is still in existence, Shed-1 and Shed-2 have been re-constructed; the boundary wall has been re-erected; and the bath room and latrine were also re-constructed.

While there was earlier a dispute as to whether the boundary wall was erected on to the public road, an affidavit of the present Commissioner, Peddapalli Municipality, dated 01.11.2017 is enclosed wherein it is stated that the Ex-Commissioner has constructed the compound wall and GI sheet sheds at Bharathnagar, Peddapalli pertaining to the respondent herein; and the Municipality would not dismantle the said construction in future.

As we are satisfied that the appellant has endeavoured to purge himself of contempt by re-constructing the dismantled portion of the

compound wall and the building, and in as much as the main writ petition is still pending on the file of the Learned single Judge, we modify the order of the Learned Single Judge in the Contempt Case and, instead of imprisonment, confine the order of punishment to payment of fine of Rs.1,500/-. The appellant has already paid the said amount. The subsistence allowance amount, if any, deposited by the respondent, shall be refunded to him by the Registrar (Judicial) under due acknowledgment.

The Contempt Appeal is disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

07th November, 2017
JSU



(RAMESH RANGANATHAN, ACJ)

(ABHINAND KUMAR SHAVILI, J)

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Date: 07.11.2017

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