

HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 276 of 2016

Date : 2.6.2017

Between :

Gummadi Raja S/o Appa Rao
C/o Sri Ram Electricals, 4/3 Arundalpet,
Guntur

Petitioner

And

Mrs S Nagalakshmi IAS
Commissioner,
Guntur Municipal Corporation
Guntur

Respondents

The Court made the following:



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ORAL ORDER:

Writ Petition No. 26865 of 2015 was disposed of on 25.8.2015 directing the municipal corporation to consider the complaint of the petitioner dated 9.7.2015 and after affording reasonable opportunity to third respondent to pass appropriate orders as warranted by law within a period of six weeks thereon. Alleging non compliance of the said direction, this contempt case is filed.

2. Averments in the counter affidavit filed by the sole respondent would show that after receipt of the orders of this Court, notice was issued on 25.9.2015 calling upon the petitioner and third respondent in the writ petition to appear for personal hearing on 30.9.2015; notice could not be served on the petitioner as he was not available in premises mentioned in the writ petition, therefore it was dispatched by way of substituted service to the address mentioned in the writ petition; on the date of hearing, petitioner did not appear and has not submitted any documentary proof in support of his claim; since petitioner did not appear and submitted any documents, endorsement was issued on 23.10.2015 informing the petitioner that he has no valid cause and respondent construed that petitioner miserably failed to prove the case. This endorsement was addressed to the petitioner. Ignoring the endorsement, petitioner issued a legal notice. In response to the legal notice, petitioner was again informed about the earlier decision, however, endorsement dated 23.10.2015 could not be served as petitioner was not available at the premises. Copy of the endorsement was also sent through courier on 1.3.2016 to the petitioner's address, but same was returned unserved holding that person was not available.

3. These averments would disclose that petitioner was avoiding to appear and to participate in the enquiry and respondent has already informed the petitioner about steps taken by him and orders passed. In spite of the same, pleading ignorance of these developments, petitioner filed this contempt case

alleging non compliance of the orders of this Court. Conduct of the petitioner disentitles to take note of the allegations and to initiate contempt proceedings against respondent.

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

P NAVEEN RAO,J

DATE: 2.6.2017
TVK



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