

HON' BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No. 1909 of 2017

ORDER:

The petitioner in the writ petition complains that the 2nd respondent in the writ petition converted the residential building into a commercial property and leased out the said premises for organizing functions.

2. The learned Standing Counsel for Municipalities on instructions, reported that the building permission granted was only for residential purpose and no permission was granted for conversion into a function hall. Having noticed these facts, the Court directed the Commissioner, Srcilla Municipality, to conduct inspection of the subject premises and if he found that the premises is being used for commercial purpose without obtaining appropriate permission, he shall ensure that no commercial activity shall be carried on in the subject premises and also directed to file a report to that extent. Alleging violation of the said directions, this contempt case is filed.

3. The Commissioner, Srcilla Municipality, filed an affidavit. According to the averments, he took charge on 10.07.2017 and as seen from the court record, an inspection report dated 10.10.2017 is filed by the Commissioner wherein it is stated that he conducted physical inspection of the premises and found that the structure was used as function hall and that the owner gave an assurance in writing that she will not use the subject property for any commercial purpose. A copy of the report dated 10.10.2017 and the written undertaking given by Smt.A.Lakshmi, owner of the property are furnished.

4. In view of the undertaking given by the owner of the property and the report of the Commissioner, Srcilla Municipality, the contempt case is closed. It is needless to observe that the Commissioner shall ensure that the owner shall not use the residential building for any commercial purpose. No costs. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

15th November, 2017
Mj/

P.NAVEEN RAO, J

