

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.96 OF 2017

DATED:30-06-2017

Between:

Kalidindi Prabhavathi  
and others

... Petitioners

And

A. Nagaraju Verma  
and others

... Respondents

COUNSEL FOR THE PETITIONERS: Mr. C. Hanumantha Rao

COUNSEL FOR RESPONDENT NO.1: Mr. Y. Raveendra Kumar

COUNSEL FOR RESPONDENT NO.2: Mr. Koppula Gopal

COUNSEL FOR RESPONDENT NO.3: Mr. Ravi Cheemalapati



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.12.06.2013 in W.P.M.P. Nos.12242 and 33411 of 2012 in W.P. No.9685 of 2012.

The aforementioned order reads as under:

*“Respondent Nos.3 to 5 are directed to ensure that respondent Nos.7 to 10 raise constructions strictly in accordance with the sanctioned plan, without any deviation, and take appropriate steps to prevent the said respondents from raising constructions in deviation of the sanction plan.”*

The grievance of the petitioners is that in spite of the said order, the respondents have permitted respondent Nos.7 to 10 in the writ petition to raise construction in complete deviation of the sanctioned plan and that thereby they have committed contempt of the order passed by this Court.

Respondent No.3 has filed a counter affidavit wherein he has *inter alia* stated that as far back as 24.11.2012 itself the Gram Panchayat, Rayalam, has issued notice to respondent Nos.7 to 10 in the writ petition informing that they have raised stilt + three floors either in deviation of the sanctioned plan or without a sanctioned plan and that they were asked to show cause as to why action for removal of the illegal constructions shall not be taken within ten days. In support of this averment, respondent No.3 has filed a copy of the said notice dt.24.11.2012.

The scope of the present contempt case is confined to adjudicating whether respondent Nos.7 to 10 in the writ petition have raised any construction in deviation of the sanctioned plan after the aforesaid order, dt.12.06.2013, was passed by this Court. The learned counsel for the petitioners has not disputed the fact that way back on 24.11.2012 itself

i.e., more than six months prior to the passing of the aforementioned order in the writ petition, respondent No.3 has issued the said notice, the contents of which would show that even by that time respondent Nos.7 to 10 in the writ petition have constructed all the four floors with deviations. In the absence of any evidence to show that any further construction was made after 12.06.2013, the respondents cannot be held guilty of inaction or violation of the order of this Court.

For the aforementioned reasons, I do not find any merit in this contempt case and the same is accordingly dismissed.

As a sequel to dismissal of the contempt case, contempt application No.527 of 2017 shall stand disposed of as infructuous.

30-06-2017

*bnr*

C.V. NAGARJUNA REDDY, J

