

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1456 OF 2016

DATED : 02.06.2017

Between :

Smt.Baditha Ravanamma W/o.Appa Rao,
Hindu, Aged about 65 yrs,
R/o.Opp. Electrical Office,
Goods Shed Road, Parvatipuram,
Vizianagaram District.

..

Petitioner

And

M.M.Nayak,
The District Collector,
Vizianagaram District & others.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1456 OF 2016

ORDER :

This contempt case is filed to punish the respondents for willfully disobeying the orders of this Court in W.P.No.20148 of 2015 dated 27.08.2015.

2. W.P.No.20148 of 2015 was disposed of directing respondents 2 to 5 in the writ petition to consider the representation of the petitioner dated 07.06.2015 and to pass appropriate orders.

3. Alleging non-compliance of the order of this Court, this contempt case is filed.

4. On behalf of the 2nd respondent counter affidavit is filed. It is asserted that the property against which the representation is made is within the limits of Parvatipuram Municipality. Therefore, Parvatipuram Municipality has to take appropriate action with reference to removal of encroachments as alleged by the petitioner.

5. The Commissioner, Parvatipuram Municipality is not arrayed as one of the respondents in this contempt.

6. As seen from the order of this Court, direction was issued to all the respondents which include the Commissioner, Parvatipuram Municipality.

7. In view of the categorical stand of other respondents that as the property is falling within the limits of Parvatipuram Municipality, the competent authority to take action as directed by the Court is only the Commissioner, Parvatipuram Municipality. Therefore, it cannot be said that the respondents herein have deliberately and willfully violated the order of this Court,

warranting initiation of proceedings of contempt under the Contempt of Courts Act.

8. Leaving it open to the petitioner to initiate appropriate proceedings, if so advised against the Municipality, Parvatipuram, this Contempt case is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

2nd June, 2017
Rds

P.NAVEEN RAO,J

