

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE Nos.1259 & 1449 OF 2016

DATED : 02.06.2017

C.C.No.1259 of 2016

Between :

Smt Datla Vani W/o.Late Butchi Rama Raju,
Aged about 52 yrs, Residing at F-6, PWD Quarters,
Zilla Parishad Junction,
Maharanipeta, Visakhapatnam -530 002

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Petitioner

And

J.C.Sarma,
Principal Secretary (Revenue),
A.P.-Secretariat Buildings, Hyderabad & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE Nos.1259 & 1449 OF 2016

COMMON ORDER :

In W.P.Nos.16556 and 16557 of 2016 the prayer as sought for was granted. The prayer sought was to direct the respondents not to construct the compound wall in the subject property of the petitioners respectively i.e., 222 Sq yards in plot No.68 and 1137 Sq yards in Plot Nos. 55, 58, 65 & 66 situated in Sy.No.2/1A of Madhavadhara Village, Visakhapatnam District.

2. Alleging violation of the said orders and construction of compound wall, these two contempt cases are filed.

3. The Joint Collector, Visakhapatnam filed counter affidavit in C.C.No.1259 of 2016. In para Nos.13 and 14 of the counter the following statements are made :

“In reply to the Para 6, it is submitted that the Respondent has high respect towards Hon’ble High Court of Andhra Pradesh, and have no intention to disobey the orders of the Hon’ble High Court. The respondents have never constructed the compound wall in the property of petitioner measuring an extent of 185.614 Sq.mts in plot no:68 situated in Sy.No.2/1A, of Madhavadhara Village of Visakhapatnam District.

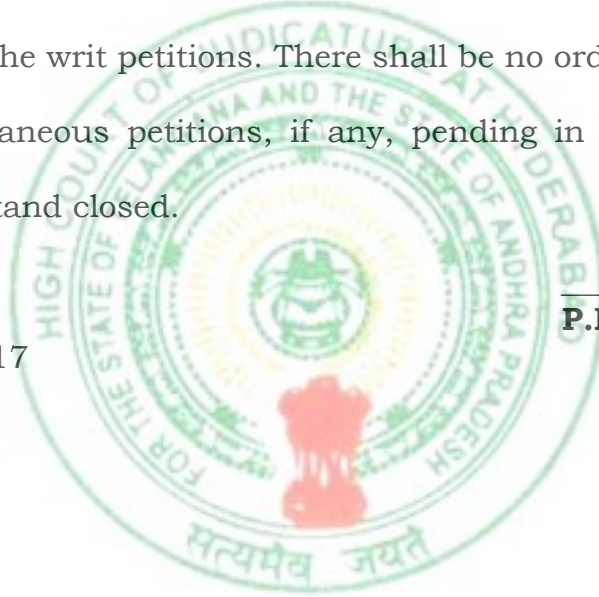
For the reasons stated in the proceeding paras, it is clear that we have not violated or disobeyed the orders of the Hon’ble High Court, and we have not constructed any compound wall in the lands of the writ petitioner, and we have constructed the compound wall in the surplus lands taken over by the Government which was allotted to the VUDA way back in the year 1991 that too much prior to filing of the writ petition in this Hon’ble Court. I submit that the measurement books filed by us would clearly establish that the construction was made by the contractor B.Venkateswarulu and B.Gangababu prior to filing of writ petition i.e., December 2015 and January 2016.”

4. Similar statement is made in the other contempt case also. The averments extracted above would disclose that no compound wall is constructed as alleged by the petitioners in the subject properties and that too, after the interim orders are passed. These statements of the respondent is not contraverted. Therefore, this Court is of the opinion that the respondents cannot be held as violated the orders of this Court warranting initiation of proceedings of contempt under the Contempt of Courts Act.

5. Accordingly these contempt cases are closed. It is needless to observe that if petitioners have any grievance, they have to agitate the same in the writ petitions. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these contempt cases shall stand closed.

2nd June, 2017
Rds



P.NAVEEN RAO,J