

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1475 of 2016

Date: 09.06.2017

Between:

Yerneni Srinivasa Rao, s/o. Venkatazratnam,
Aged about 50 years, Occu: Agriculture,
R/o Opp.Market Yard, Azad Nagar, Kodad
Town and Mandal, Nalgonda District.

.....Petitioner

and

Karumanchi Yesukrupa, w/o Durga Prasad,
Occu: Business, C/o Durga Irons,
D.No.11-116/4, Azad Nagar, Kodad Town &
Mandal, Nalgonda District.

.....Respondent



The Court made the following:

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ORDER:

Petitioner filed W.P.No.26328 of 2014 alleging that illegally scrap business is being carried out by the respondent. On 17.09.2014, taking note of the statement of the learned standing counsel for Kodada Municipality that 5th respondent in the writ petition did not obtain trade licence from the local Municipality and carrying on business, this Court directed the 5th respondent not to carry on business any further. Aggrieved thereby, 5th respondent in writ petition sought vacation of the said order. Respondent also filed an affidavit giving an undertaking that he would limit the business to waste paper only from the subject premises and that he would not carry on any other activity including business in scrap, which would not disturb the residents of said locality. In view of the said statement, interim order was vacated.

2. Alleging that in spite of undertaking given before this Court, respondent is carrying on scrap business from the same premises, this contempt case is filed.

3. Along with the contempt material paper book, petitioner also enclosed photographs taken on 13.10.2015 showing loading of scrap into the Truck from the premises of respondent. These photographs are enclosed to sustain the allegation that scrap business is being continued in the same premises by the respondent, contrary to undertaking given before this Court.

4. It is noticed that this contempt case is instituted on 01.08.2016, i.e, after 10 months of the alleged transportation of scrap from the subject premises by the respondent. No explanation is

forthcoming as to why no such complaint was made soon after the petitioner discovered the alleged violation.

5. Be that as it may, in paragraph-4 of the counter-affidavit filed on behalf of the respondent, respondent categorically asserts that he is not undertaking any scrap material business from the said premises. According to the respondent, after orders were passed in the vacate petition on 16.09.2015, he was out of town and, therefore, on return from the town, as seals were also taken out, petitioner wanted to shift the scrap material from this shop and at the time of loading the scrap material in the Truck, these photographs were taken. According to the respondent, the scrap business is now shifted to godown bearing house no.3-113-1-B, Sl.No.167, Naya Nagar, out of Kodad town and being carried out from that place. In view of the categorical statement made by the respondent and the fact that the photographs filed along with contempt case were immediately after the interim orders passed in 2015, taking note of the statement made by the respondent, contempt case is closed. However, it is needless to observe that if respondent violates the undertaking given and the statement made in the contempt, it is always open to the petitioner to take out appropriate steps as required by law.

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

JUSTICE P.NAVEEN RAO

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