

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1202 OF 2017

DATED : 18.01.2018

Between :

Paladugu Lakshmi Anasuya W/o.Venkateswararao,
Aged about 60 yrs, Occu : Housewife,
D.No.3-96, Rajeswari Nilayam,
Satrampadu, Eluru, West Godavari District.

.. Petitioner

And

Sri Y. Sayie Shreekanth,
The Commissioner of Eluru Municipal Corporation,
Eluru, West Godavari District & others.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1202 OF 2017

ORDER :

W.P.No.30262 of 2016 is filed by the 3rd respondent in this contempt case alleging illegal interference by the Municipal authorities in undertaking construction of building as per the sanction plan in D.No.28-1-104/A, T.S.No.92, Ward No.23, Block No.1, Street No.4, Shantinagar, Eluru, West Godavari District.

2. Petitioner herein who is a neighbour to the said property filed W.P.No.38633 of 2016 alleging illegal construction by the 3rd respondent. On 21.11.2016, this Court passed the order in W.P.M.P.No.37432 of 2016 in W.P.No.30262 of 2016 and W.P.M.P.No.47584 of 2016 in W.P.No.38633 of 2016, which reads as under :

“Heard learned counsel on either side.

Though the interim order dated 14.09.2016 in W.P.No.30262 of 2016 protects the petitioner from illegal interference by the municipal corporation, however, under the guise of said order, petitioner therein cannot undertake construction in deviation of the building permission granted. Thus, the order dated 14.09.2016 is further clarified to hold that petitioner shall not undertake any construction in deviation of the building permission granted. The respondent municipal corporation shall not interfere with the construction made by the petitioner without following due process of law.”

3. Alleging that in violation of the said direction, the 3rd respondent herein continued to undertake construction, this contempt case is filed.

4. In the affidavit filed in support of the contempt, vague averments are made alleging violation of directions of this Court and undertaking construction. No other material is filed in support of the said contention. However, reliance is placed on the notice issued by the Municipal Corporation under Section 452 of Hyderabad Municipal Corporation Act, where there is a reference to the direction of this Court and the allegation of violation of the directions of this Court.

5. In the affidavit filed by the 3rd respondent there is categorical denial of further construction made after the interim order. The assertions of the 3rd respondent in Paragraph No.3, read as under:

“...I submit that by the date of passing the said order, the construction of the building was already completed except plastering to the walls and internal works and I did not take up any construction after passing the orders dt.21.11.2016.”

6. By this statement, the 3rd respondent clearly states that no further construction was made.

7. The counter affidavit filed on behalf of respondents 1 and 2 do not disclose any further material to show that construction was taken up after the interim order, in deviation of the order of this Court.

8. In view of the categorical assertion of the 3rd respondent that no further construction is made and as no other material is placed on record, the Court is inclined to accept the assertion made on oath by the 3rd respondent.

9. Contempt Case is accordingly closed. There shall be no order as to costs.

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

P.NAVEEN RAO,J

18th January, 2018
Rds

