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

CONTEMPT CASE Nos.1643 and 2046 of 2016

23.02.2018

Between:

G.Sivanagendra Reddy

..Petitioner

and

S.Nagalakshmi

..Respondent

Counsel for the petitioner: Dr.Challa Srinivas Redy

Counsel for the respondent: Mr.Ancha Panduranga Rao
standing counsel for Guntur Municipal Corporation

The Court made the following:

COMMON ORDER:

C.C.No.1643 of 2016 arises out of order, dated 04.01.2016, in W.P.No.42999 of 2015 and C.C.No.2046 of 2016 arises out of order, dated 28.12.2015, in W.P.No.41706 of 2015.

2. W.P.No.41706 of 2015 was filed by the petitioner to direct the respondent to mutate his name in respect of the house situated over an extent of 415 sq.yds. in survey No.366, Old Assessment No.22502 and New Assessment No.31310, Ward No./D.No.21/825, R.Agraharam, Guntur Municipal Corporation, Guntur District. W.P.No.42999 of 2015 was filed by the petitioner for a *mandamus* to declare the inaction of the respondent in cancelling permission, dated 23.10.2013, granted to respondent Nos.4 and 5 in the said writ petition for construction of a building over the property, which is the subject matter of W.P.No.41706 of 2015.

3. By order, dated 28.12.2015, this Court has disposed of W.P.No.41706 of 2015 directing the respondent to consider the petitioner's application for mutation and if necessary, by holding an enquiry after issuing notice to the petitioner as well as the third party in whose name the subject property stands, take a decision thereon and communicate the same to both the parties within a period of one month from the date of receipt of a copy of the said order. W.P.No.42999 of 2015 was disposed of, by order, dated

04.01.2016, wherein this Court has referred to order, dated 28.12.2015, in W.P.No.41706 of 2015 and directed the respondent to hold a comprehensive enquiry in respect of the mutation as well as the allegations made in W.P.No.42999 of 2015 by the petitioner pertaining to obtaining of building of permission by respondent Nos. 4 and 5 in the said writ petition.

4. Alleging willful disobedience of the above orders in both W.P.Nos.41706 and 42999 of 2015, the petitioner filed these Contempt Cases.

5. The respondent filed counter-affidavit, wherein it is, *inter alia,* averred that the respondent Corporation has taken every possible step in considering and disposing of the petitioner's application by holding a comprehensive enquiry; that a notice was issued to the petitioner to attend the enquiry to be conducted by the City Planner on 06.06.2016 at 11.00 a.m.; that the petitioner did not attend the enquiry and informed through telephone that he was at Hyderabad on the date of the enquiry and that thereafter, the petitioner submitted documents on 08.06.2016. That the respondent Corporation informed the petitioner, *vide* endorsement in Roc.No.11803/2015/A16, dated 30.08.2016, that the representation of the petitioner was rejected based on the enquiry report submitted by the City Planner and that the said endorsement sent by speed post was received by the watchman of the apartments, where the

petitioner resides. A copy of endorsement, dated 30.08.2016, has also been filed along with the counter-affidavit.

6. Mr.Challa Srinivas Reddy, learned counsel for the petitioner, has not disputed the factum of passing of the order by the respondent. He has, however, stated that the said order was not received by his client. He has also not denied the claim of the respondent that the petitioner's watchman received the said order.

7. Be that as it may, as the respondent has passed appropriate order after holding an enquiry as directed by this Court, I do not find any merit in the allegation made by the petitioner that the respondent has disobeyed the order of this Court.

8. In the above view of the matter, both the Contempt Cases are dismissed, however, with liberty to the petitioner to avail appropriate legal remedies, if he feels aggrieved by the order passed by the respondent, rejecting his representation.

9. As a sequel to dismissal of the Contempt Cases, I.A.No.1 of 2016 (Contempt Application No.808 of 2016) in C.C.No.1643 of 2016 and I.A.No.1 of 2016 (Contempt Application No.974 of 2016) in C.C.No.2046 of 2016 stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

23rd February, 2018
GHN