

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

CONTEMPT CASE NO.1637 OF 2016

DATED:05-01-2018

Between:

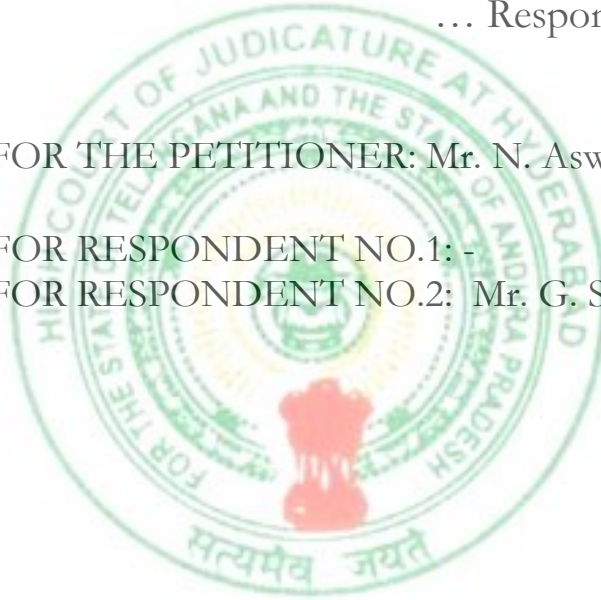
A. Malathi ... Petitioner

And

K. Mallijarjuna
and another ... Respondents

COUNSEL FOR THE PETITIONER: Mr. N. Aswartha Narayana

COUNSEL FOR RESPONDENT NO.1: -
COUNSEL FOR RESPONDENT NO.2: Mr. G. Seshadri



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.10.02.2016 in W.P. No.4279 of 2016 whereunder this Court has directed the respondents herein not to allow third parties either to proceed with further construction of shop rooms or occupy the same pending further orders.

Respondent Nos.1 and 2 have filed separate counter affidavits. In the counter affidavit filed by respondent No.2 he has *inter alia* stated as under:

“I submit that thereafter I visited the property in question and found that no one can occupy the said shops and all the shops are vacant. I submit that since the month of June 2016 nobody has entered in the said shops. I submit that the allegation made by the petitioner is absolutely false and the petitioner is put to strict proof of the same. I submit that the Gram Panchayat already requested the persons who vacated the shops not to enter into the shops till the disposal of the writ petition.

I submit that the allegations made against me in the writ affidavit is absolutely false and I never permitted any person to occupy and to construct the shops in the said place as the said property is vested with the Gram Panchayat. I submit that I came to know that after receipt of the orders from this Hon'ble Court the Gram Panchayat took all the steps in preventing the occupation and also on the instructions of the Gram Panchayat some of the persons who are already in occupation vacated the shops and all the shops are vacant as on today.”

Respondent No.1 in his counter affidavit averred that though the property is vested in the Gram Panchayat, he has impressed upon respondent No.2 not to allow anybody to occupy and construct any shops and that immediately thereafter the Gram Panchayat has taken all the steps in preventing the

occupation of the property by third parties and also evicted the persons who are already in occupation of the shops. He has further stated that the shops are vacant as on the date of filing of the counter affidavit.

Though the counter affidavits were filed as far back as September, 2016, the petitioner has not filed any reply affidavit controverting the averments in the counter affidavits. In view of the same, the plea of the petitioner that the respondents have violated the order of this Court is without any merit.

Hence, the contempt case is dismissed.

C.V. NAGARJUNA REDDY, J

05-01-2018

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