

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1971 OF 2014

ORDER:

The order, violation of which is alleged in the present Contempt Case, is the order passed by this Court in WP.MP.No.2517 of 2010 in WP.No.1878 of 2010 dated 06.04.2010 wherein this Court had recorded the submission of the learned Standing Counsel for the Vijayawada Municipal Corporation that the second respondent had not even commenced construction. Having noted the submission of the learned counsel for the petitioners that construction had commenced and was under progress, interim directions were issued to the second respondent not to make any further construction over the property in Survey No.144/6A of K.L.Nagar (Chittinagar), Vidyadharapuram, Vijayawada until further orders.

WP.No.1878 of 2010, in which the interim order (violation of which is alleged in this Contempt Case) was passed, was itself disposed of by this Court on 15.11.2016 directing the Commissioner, Vijayawada Municipal Commissioner to consider the petitioners' representation dated 25.01.2010, and take appropriate action in accordance with law, within a period of three months from the date of receipt of a copy of the order. In the said order, the learned Single Judge observed that, in view of the averments made in the counter affidavit filed by the first respondent, it was clear that the structures raised were unauthorised, but they were erected long back, and a slum had developed in the said land.

While Sri B.Naresh, learned counsel for the petitioners, would submit that, despite the Writ Petition having been disposed of by this Court, the respondents must still be held to have violated the interim order passed earlier, Sri T.S.Venkata Ramana, learned counsel appearing for the first respondent-Corporation, would submit that, as is evident from the order passed by the learned Single Judge in WP.No.1878 of 2010 dated 15.11.2016, construction was raised long prior to the interim order; and a slum has developed in the area. Learned Standing Counsel would submit that no construction was made after the interim order was passed by this Court.

As noted hereinabove, the order, violation of which is alleged in this Contempt Case, is the interim order in WP.No.1878 of 2010 which itself was finally disposed of by order dated 15.11.2016. Since the main Writ Petition itself has been disposed of, I see no reason now to take action against the respondents for the alleged violation of the interim order passed earlier.

The Contempt Case is, accordingly, closed. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, J)

3rd August 2018
RRB