

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON' BLE SRI JUSTICE A. SHANKAR NARAYANA

Contempt Case No.1919 of 2017

ORDER : (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order, violation of which is alleged in this contempt case, is the order passed by this Court in W.A.No.1177 of 2016 dated 17.11.2016 whereby the first floor of the subject building was directed to be demolished, and the JNTU was directed to cause inspection of the building and submit its report to the Municipal Corporation which, in turn, was directed to permit the appellants therein to re-occupy the building, on receipt of the report from the JNTU, and if the ground floor of the subject building was found to be fit for occupation. Alleging that the Vijayawada Municipal Corporation had failed to put the petitioners herein in occupation of the subject building, and their failure to do so is in violation of the order passed by this Court in W.A.No.1177 of 2016 dated 17.11.2016, the contempt jurisdiction of this Court has been invoked.

In the affidavit filed in support of the contempt case, the petitioners have stated that, after the order in W.P.Nos.1177 and 1218 of 2016 was passed on 17.11.2016, they had vacated the shops; thereafter, the Municipal Corporation had demolished the first floor portion; the ground floor shops are still under the lock and key of the Corporation; they came to know that the Civil Engineering Department of the JNTU had conducted a structural stability study and had submitted a report in May, 2017 to the effect that the first floor remaining portion was structurally stable but for some minor repairs; the said report had been challenged by the landlord in W.P.No.29046 of 2017, but no interim order was passed therein; and, consequently, failure to put the petitioners in possession is in wilful and deliberate

violation of the order passed by this Court in W.A.No.1177 of 2016 dated 17.11.2016.

Smt. G.Jhansi, learned counsel appearing on behalf of the respondent-contemnor, would submit that, on the landlord invoking the jurisdiction of this Court by filing W.P.No.29046 of 2017, a Learned Single Judge of this Court, by his order dated 01.09.2017, had directed the respondents therein to maintain status-quo, pursuant to the endorsement dated 05.08.2017, for a period of six weeks; and the said interim order continues to remain in force, even as on date, having been extended from time to time.

The order passed by us required the petitioners to be put in possession only if the JNTU report found the building fit for occupation. The JNTU report required certain minor repairs which the Municipal Corporation had, by its endorsement dated 05.08.2017, directed the landlord to undertake. On the endorsement dated 05.08.2017 being subjected to challenge by the landlord, a Learned Single Judge of this Court, by his order in W.P.No.29046 of 2017 dated 01.09.2017, directed status quo to be maintained for six weeks, which was extended periodically thereafter.

As the interim order passed in W.P. No.29046 of 2017 dated 01.09.2017 disabled the Municipal Corporation from ensuring that the landlord carried out repairs as stipulated by the JNTU, and as the petitioner could only have put in possession of the subject building after repairs were carried out in terms of the JNTU report, failure of the respondent-municipal corporation, to put the petitioner in possession of the subject property, cannot be said to be in wilful and deliberate violation of the order of this Court. We see no reason, therefore, to proceed against the respondent under the Contempt of Courts Act.

The Contempt Case is, accordingly, closed. Miscellaneous Petitions pending, if any, shall also stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(A.SHANKAR NARAYANA, J)

23rd March, 2018
JSU



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Date: 23.03.2018

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