

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1661 of 2014

ORDER:

The order of this Court, in W.P.No.5224 of 2014 dated 03.03.2014, required the Commissioner, Narasapuram Municipality-1st respondent to consider the reply, if any, filed by respondents 3 to 5; pass a reasoned order thereupon; communicate the same to respondents 3 to 5; and, thereafter, take action in accordance with law.

The proceedings dated 11.02.2014 was issued under Section 228(3) of the A.P. Municipalities Act even before the order in W.P.No.5224 of 2014 was passed on 03.03.2014. This fact was not brought to the notice of this Court in the Writ Petition. After an order was passed by this Court on 03.03.2014, proceedings dated 10.10.2014 was issued under Section 340 of the A.P. Municipalities Act levying a fine of Rs.400/-.

While I find considerable force in the submission of Sri P. Rajesh Babu, Learned Counsel for the petitioner, that the action, which the respondent-Municipality took against respondents 3 to 5, in the Writ Petition, of imposition of fine of Rs.400/- alone for unauthorized construction, may not accord with law, it cannot be lost sight of that the merits of the said order cannot be examined in proceedings under the Contempt of Courts Act, as the scope of enquiry, in such proceedings, is confined only to an examination of whether the respondents have willfully and deliberately violated the order of this Court.

As the order of this Court only required the 1st respondent herein to pass an order, and take action in accordance with law, the

order of this Court has been complied with on the respondent having issued proceedings under Section 228(3) of the A.P. Municipalities Act on 11.02.2014, and the order passed thereafter, under Section 340 of the said Act, on 10.10.2014. While there is, undoubtedly, a delay in complying with the said order, I see no reason to proceed against the 1st respondent-contemnor, under the Contempt of Courts Act, as he has tendered his unconditional apology. Suffice it to make it clear that this order shall not disable the petitioner from availing such legal remedies as are available to him in law.

The Contempt Case is, accordingly, dismissed. The miscellaneous petitions, if any pending, shall also stand dismissed. There shall be no order as to costs.

Date:07.09.2018.
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RAMESH RANGANATHAN, J

