

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1262 of 2017

ORDER:

This Contempt Case is filed alleging violation of order, dated 13.03.2017 passed by this Court in Writ Petition No.8683 of 2017.

By the aforesaid order, this Court dismissed the Writ Petition by making it clear that the respondent authorities shall ensure that the construction made by the fourth respondent shall be strictly in accordance with the sanctioned plan.

The first and second respondents herein filed a counter-affidavit categorically asserting that after disposal of the Writ Petition, the authorities concerned caused inspection of the subject premises and noticed certain deviations in the construction made by the third respondent herein, who is the fourth respondent in the Writ Petition, as such, they have demolished the construction to the extent of deviations after following due process and filed photographs to that effect.

The petitioner filed a reply-affidavit stating that though the first and second respondents filed counter-affidavit stating that action was taken by them, they have removed the deviations only

to the extent of 35% and thereby, they have not fully complied with the order of this Court.

It is to be noted that the first and second respondents have categorically asserted in the counter-affidavit that they have undertaken demolition of construction made by the third respondent herein in deviation to the sanctioned plan and that the petitioner has admitted in the reply-affidavit that demolition took place. Further, though it is asserted by the petitioner in the reply-affidavit that deviations only to an extent of 35% have been removed, in the absence of specific deviations being pointed out by the petitioner in the Writ Petition and as the allegation is only with regard to the construction made by the third respondent in deviation to the sanctioned plan, it is not possible for this Court to ascertain whether the deviations were removed to an extent of 100% or 35%. Inasmuch as the order of this Court is only limited to the extent of issuance of a direction to the respondent authorities to ensure that the construction made by the third respondent should conform to the sanctioned plan and there being no concrete material before this Court to show that the same has not been done, it is difficult to come to a conclusion that there is violation on the part of the respondent authorities in implementing the order of this Court.

In those circumstances, the Contempt Case is closed. It is made clear that the petitioner may approach the authorities concerned to take appropriate action against the third respondent with respect to the deviations in the construction made by him.

CHALLA KODANDA RAM, J

11th APRIL, 2018.

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