

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.919 OF 2017

Date: 23.02.2018

Between :

B.Ravikumar s/o. Srinathudu, Aged about 34 years,
Occu: Weaver, R/o.H.No.27-490, Rameswaram,
Proddatur, Kadapa District.

.... Petitioner/
3rd respondent

And

Sri P.Venkata Siva Reddy, Commissioner,
The Proddatur Municipality, Proddatur,
Kadapa District and others.

.... Respondents/
Respondents



This Court made the following :

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Writ Petition No.38388 of 2016 was disposed of, by order dated 14.11.2016, directing the Municipality to take further course of action on alleged illegal construction made by 5th respondent as expeditiously as possible, preferably within a period of two months from that date. Alleging inaction on the directions issued and that illegal constructions are not removed this Contempt Case is filed.

2. On 15.09.2017, Court was informed that orders to demolish subject property were already passed but, aggrieved by said order, 3rd respondent filed W.P.No.29917 of 2017 and same was disposed of on 04.09.2017 granting liberty to 3rd respondent to submit explanation and the matter was at the stage of consideration of explanation. On the said statement, this matter was adjourned. Not satisfied with the inordinate delay in complying with the directions, on 16.02.2018 matter was adjourned to this date, granting liberty to the Municipal Commissioner to file affidavit explaining the reasons.

3. Counter-affidavit as well as affidavit explaining reasons are filed separately. It is now averred in the affidavit and counter-affidavit that demolition work was taken up and illegal portion of building was already removed. The said statement is taken on record. With reference to delay in complying with the directions, though the contemnor explained various reasons which prevented him from taking decision, a bare perusal of affidavit would show that reasons assigned such as organising 'Dussehra' celebrations or visiting of Dignitary or absence of Town Planning Officer, etc., occurring in various months, do not justify in not taking decision as required by the Court and when sufficient time was

granted. Thus, Court is not satisfied with reasons for the delay. The Commissioner is present and in addition to unconditional apology offered in writing, he expresses sincere apology and also states that he shall be very careful in future in complying with the directions of the Court. While warning the Commissioner to be careful in future in complying with the directions and taking his personal statement on record, Contempt Case is closed. Contemnor is discharged.

Miscellaneous petitions if any pending in the contempt case shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

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