

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.978 of 2017

and

WRIT PETITION No. 9565 of 2016

COMMON ORDER:

Contempt Case No.978 of 2017 is filed alleging non-compliance of the order, dated 04.04.2016, passed by this Court in WPMP No.12098 of 2016 in W.P.No.9565 of 2016.

The respondent filed a counter-affidavit, in paragraphs 7 and 8 of which, he asserted as follows:

"I humbly submit that on receipt of interim orders made by this Hon'ble Court in WPMP No.12098 of 2016, dated 04.04.2016, I personally inspected the construction going on in the place of Molla Riyaz and found that the construction of the house is well within the place owned by him as per the measurements mentioned in the above para. There is no encroachment into the public road or common road as alleged by the petitioner.

However, the said Molla Riyaz S/o. respondent No.4 in W.P.No.9565 of 2016 made construction of balcony in violation of approved plan extending it to the extent of 1 ½ feet towards the public road, though the ground floor construction is well within the place of respondent No.4. So, I served notice on him on 03.03.2017 and got removed the said extent of 1 ½ feet balcony of the house of Molla Riyaz in the presence of respondent No.4 and Sarpanch of the village. The positive photographs of removal of the said construction made by respondent No.4 were filed for the kind perusal of this Hon'ble Court."

In view of the aforesaid categorical assertions of the respondent and there being no denial of the same, it can be said

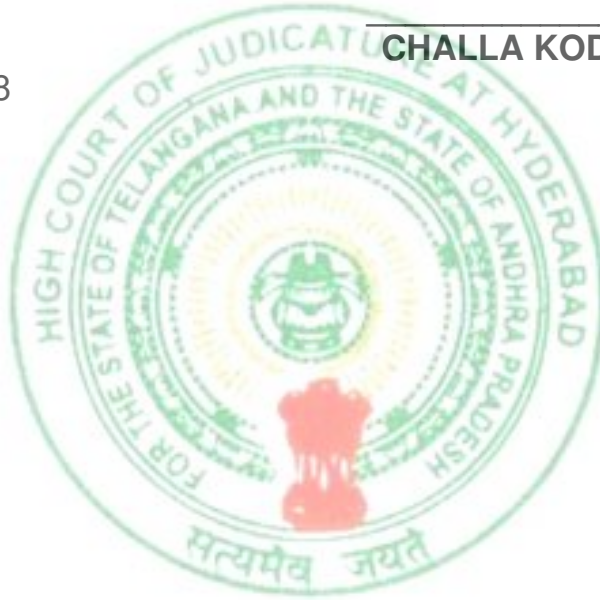
that there is no contempt on the part of the respondent and nothing survives further in the writ petition.

Hence, the contempt case and the writ petition are closed. Learned counsel for the respondent shall furnish a copy of the building permission granted in favour of respondent No.4 in the writ petition to the petitioner within two weeks from today.

Miscellaneous petitions, if any, shall stand closed of. There shall be no order as to costs.

Dt:20.06.2018

kdl



CHALLA KODANDA RAM, J

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9565 OF 2016

ORDER:

This writ petition is filed for the following relief:

“.....to issue a writ of mandamus or any other appropriate writ or direction declaring the action of respondent No.3 in not taking any action against the illegal constructions being made by encroaching the road to an extent of 3 ½ feet by respondent No.4 without obtaining any permission from the Gram Panchayat in front of petitioner house bearing D.No.5-72, Orvakal Village and Mandal, Kurnool District, as illegal and arbitrary and in contravention of the provisions of the Andhra Pradesh Panchayat Raj Act, 1994 and consequently direct respondent No.3 to demolish the illegal constructions being made by respondent No.4 forthwith...”

Respondent No.3 filed a counter-affidavit, wherein it is stated as under:

“I submit that in reply to para 3 of the affidavit, it is true that the petitioner constructed house bearing No.5-72 at Orvakal Village long back and did not obtain any permission

from the Gram Panchayat. I submit that it is true that respondent No.4 Mahaboob Basha also started construction of house adjacent to the house of the petitioner. Respondent No.4 obtained permission in the name of his son Molla Riyaz who is title holder from the Gram Panchayat for construction of his house. I submit that respondent No.4 has not encroached the road margin for construction of building, but he extended the sunshade up to 1 ½ feet on the road side. I submit that after issuance of notice to the said Molla Riyaz, the Gram Panchayat removed the said sunshade.”

In the light of the specific stand taken by respondent No.3 in the counter-affidavit, the writ petition is closed.

Consequently, miscellaneous applications, if any shall stand closed.

Dt:20.06.2018
kdl

CHALLA KODANDA RAM, J

