

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2084 OF 2017

ORDER:

This contempt case is filed alleging non-implementation of the order, dated 15.03.2017, passed by this Court in W.P.No.7725 of 2017.

By the aforesaid order, this Court passed the following interim order:

“Learned counsel for the petitioner would submit that in similar circumstances, this Court passed interim order in W.P.No.8477 of 2017.

In view of the same, there shall be interim direction, as prayed for, for a period of three weeks.

Post on 30.03.2017 along with W.P.No.8477 of 2017.”

Respondent Nos.2 and 3 filed separate counter-affidavits along with the photographs stating that by following RD Plan 4/87 and based on the existing center line, 0.3m height concrete kerb was laid before this Court passing the interim order and further construction of CRS masonry on concrete kerb for center divider has been stopped and no construction is made in front of the houses of the petitioners.

On 03.08.2018, when it is submitted by the learned counsel for the petitioners that the respondents have deliberately violated the orders of this Court and constructions have already been completed, this Court appointed an Advocate Commissioner to ascertain whether any kerb has been constructed in front of the subject premises, if so to what height.

On 09.08.2018, the Advocate Commissioner submitted her report along with the photographs stating that the authorities had placed before her the material, particularly, the measurement book, which shows that major part of the work was executed before 08.03.2017 itself and payments were made to the Contractor.

A perusal of such photographs discloses that the road divider had remained as it is and had not been raised to the height of 4 feet. Therefore, the respondents rightly asserted in their counter-affidavits that no construction was made after the interim orders passed by this Court.

Learned counsel for the petitioners submits that the grievance of the petitioners is to the effect that the road has to be constructed in terms of RD Plan 4/87.

Whether the road is required to be constructed in terms of RD Plan 4/87 which was prepared in 1987 without there being any deviation or whether the respondents are entitled to take into consideration the development in the town and construct the road keeping in view the requirements of the public, is a matter, which requires to be considered in the writ petition. So far as this contempt case is concerned, it is no doubt true that there was no construction made by the respondents in violation of the orders of this Court and they stopped the construction on 08.03.2017 itself i.e., before this Court passing the interim order.

In those circumstances, this Court finds no merit in the contempt case, which is accordingly dismissed.

Consequently, miscellaneous applications, if any shall stand closed.

CHALLA KODANDA RAM, J

Dt:23.08.2018

kdl

