

THE HON'BLE SRI JUSTICE SANJAY KUMAR
CONTEMPT CASE Nos.1336 and 1359 of 2016

COMMON ORDER:

These contempt cases were instituted alleging wilful disobedience of the order dated 27.04.2016 passed in W.P.No.14792 of 2016 and the order dated 11.04.2016 passed in W.P.No.11777 of 2016 by this Court.

This Court disposed of both the writ petitions directing the petitioners therein to make detailed representations to the Visakhapatnam Urban Development Authority setting out their grievance. Upon receipt of such representations, the authority was directed to consider the same and take appropriate action thereon in accordance with law. This exercise was to be completed within a time frame.

Sri K.V.Simhadri, learned counsel for the respondent, would inform this Court that though there was some amount of delay in complying with the aforestated orders, the same was caused by the fact that steps were being taken to identify alternative sites in Visakhapatnam Urban Development Authority area for allotment to the petitioners.

No reply affidavit was filed to the additional counter-affidavit filed by the Vice Chairman of the Visakhapatnam Urban Development Authority stating to this effect.

Learned counsel would further state that by proceedings dated 22.03.2018, the Visakhapatnam Urban Development Authority identified land to an extent of 982 sq.yards in Sy.No.128/3P of Madhurawada Village for allotment to the petitioners and orders were issued allotting the same to them.

Though Sri V.V.N. Narayana Rao, learned counsel for the petitioners, would contend that the aforestated proceedings were issued by the Vice Chairman of Visakhapatnam Urban Development Authority without the approval of the Board, Sri K.V.Simhadri, learned counsel, would assert that the petitioners' apprehension is without basis.

In the light of the aforestated developments, this Court is of the considered opinion that the scope of this contempt case cannot be extended beyond the permissible limit and as the only direction issued by this Court was that the Visakhapatnam Urban Development Authority should take appropriate action on the representations of the petitioners and it is stated that upon due consideration of the representations, alternative land has been allotted to them, the petitioners would necessarily have to initiate independent proceedings, if they have any grievance in the context of such allotment. Such grievance cannot be made the matter of consideration in this contempt case.

The Contempt Cases are accordingly closed leaving it open to the petitioners to seek redressal of their grievance, if any, in relation to the allotment by way of independent proceedings in accordance with law. No order as to costs.

SANJAY KUMAR,J

21st December, 2018

sj