

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1522 OF 2016

Date: 18.01.2017

Between :

Thoutam Laxminarayana s/o. late Balaiah,
Aged 66 years, Occu: Retired Govt.Employee,
R/o. H.No.19-129, Ramnagar, Mancherial,
Adilabad District.

.... Petitioner/
petitioner

And

Mr. Tejawath Venkanna, Commissioner,
Mancherial Municipality, Mancherial,
Adilabad District.

.... Respondent/
Respondent no.2



This Court made the following :

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ORDER:

This Court, by order dated 06.07.2015, disposed of the Writ Petition No.19743 of 2015, directing the respondent-Municipality to follow due process of law, if the respondent-Municipality is intending to widen the existing road and shall not encroach upon private land without following due process. Alleging that this portion of the order is violated, this Contempt Case is filed.

2. Learned counsel for petitioner contends that without following due process, land of petitioner is encroached and compound wall of land of petitioner was demolished and dug trench by encroaching into the land of petitioner to an extent of 80 square yards. Even though petitioner objected to the same, the same was not cared. Along with the Contempt case, photographs are enclosed to disclose that trench was dug and drainage canal was constructed.

3. Respondent denied the allegation of encroachment into the petitioner's land. He also denied the contention of petitioner that compound wall of petitioner's land was demolished. He further stated that as drainage system was not constructed and drain water was flowing along with the road, on demand by the local residents, Municipality has constructed the drainage in Municipality land abutting the road without demolishing the compound wall and without encroaching the petitioner's land.

4. A bare look at the photographs would not show that there was existing compound wall, which was removed to construct a drainage canal. No material is placed on record to show that existing compound

wall was removed after the order of the Court in support of contention that order of the Court is violated.

5. Having regard to the assertion of respondent, particularly in paragraph-5 of the counter-affidavit, that drainage canal was constructed on the land belonging to the Municipality abutting the road, it cannot be said that respondent has violated the orders of the Court, warranting initiation of contempt proceedings under the Contempt of Courts Act. Contempt Case is closed accordingly. No costs.

JUSTICE P.NAVEEN RAO

Date: 18.01.2018
kkm



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