

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1222 OF 2016

ORDER

This contempt case was instituted alleging willful disobedience to the order dated 24.02.2016 passed in W.P.No.6006 of 2016. By the said order, this Court directed the Commissioner, Nirmal Municipality, Nirmal, Adilabad District, to take appropriate action upon the petitioners' representation dated 08.01.2016 in relation to the alleged unlawful constructions being made by the Government High School and take appropriate action in accordance with law. The Commissioner was directed to give an opportunity of hearing to all the parties who would be affected by any decision taken upon the said representation. Alleging inaction on the part of the Commissioner, pursuant to the aforestated order, the present contempt case was instituted.

The Commissioner, Nirmal Municipality, filed a counter-affidavit, wherein he stated that the petitioners' complaint dated 08.01.2016 was not received by his Office but in spite of the same, the subject site was verified pursuant to the order passed in W.P.No.6006 of 2016. He further stated that he found that the Government High School had not raised any constructions newly and there was only one existing building which was constructed long ago. As no construction activity was going on, the question of categorizing the same as illegal did not arise. The Commissioner went on to state that notices were issued by his Office in September, 2016 calling upon the petitioners to furnish documentary evidence, if any, of their allegations against the Government School, but perusal of the documents so produced demonstrated that the plot

allegedly belonging to the petitioners was not adjacent to the school premises.

In the light of the aforestated averments made by the Commissioner, Nirmal Municipality, which remain unrebutted, this Court finds no evidence of any disobedience, much less willful disobedience, warranting exercise of contempt jurisdiction.

The contempt case is accordingly dismissed. No order as to costs.

12th JULY, 2019

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SANJAY KUMAR, J

