

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1633 OF 2016

DATED :23.01.2019

Between :

Md.Tajunnisa W/o.Ibrahim,

Aged about 51 years, occ: House wife,

R/o.H.No.1-7-179/D4/A, Church Compound,

Suryapet, Nalgonda District.

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Petitioner

And

Sri Vadde Surender S/o.Not known,

Aged about: Major, occ: Commissioner,

Suryapet Municipality, Suryapeta, Nalgonda District.

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Respondent

This court made the following :

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.1633 OF 2016

ORDER :

This contempt Case is filed alleging directions issued by this Court on 14-10-2015 in WPMP.No.38963 of 2015 in WP.No.30113 of 2015 are violated. This Court directed the municipality to ensure that no further construction activity takes place over the house number mentioned in the order. The unofficial respondents in the writ petition went on undertaking constructions. In the affidavit filed in support of the contempt case, petitioner alleged that by the time interim orders were passed, unofficial respondents undertook construction of cellar+Ground floor+ two upper floors and on the 3rd floor raised columns and fixed with centering for laying slab with cement concrete. After the interim order, the unofficial respondents constructed the 5th floor.

Petitioner is not present.

Counter affidavit deposed by Vadde Surender, then Commissioner is filed. It is pleaded that no construction activity is taken place after interim order is passed. It is further contended by pointing out that on 19-09-2015, petitioner submitted application before the respondent stating that as on that day, the 2nd respondent had made arrangement to lay the 5th floor slab and with an intention to make construction on 20-09-2015, he procured cement and sand, requested the 1st respondent office to stop such illegal construction. As seen from the averments made in the application, it would disclose that petitioner was aware by then, construction was already made

up to four floors and on 5th floor slab was to be laid, whereas, the order of the Court was made on 14-10-2015. It is further averred that the deponent summoned the 2nd respondent in the writ petition and directed him to produce proof of purchase of construction material with regard to laying 5th floor slab. Accordingly, material was filed showing the purchase of material prior to the interim orders passed by the Court. Therefore, contended that no further construction was made after interim order as alleged.

No reply is filed by the petitioner. Petitioner was highlighting the construction that was actually made after interim order and points out that respondent ought to have obtained pictures from the Google map to show that construction activity was going on. Further no other material is placed on record to show that actually construction was made after interim order was passed, in order to attract the conduct of the respondent as amounting to violating the directions of the Court necessitating initiation of contempt proceedings. This Court is satisfied that there is no material placed on record that respondent-municipal commissioner has committed violation of directions of the Court necessitating initiation of contempt proceedings.

Accordingly, Contempt Case is closed. Pending miscellaneous applications shall stand closed.

P.NAVEEN RAO,J

23-01-2019
Nvl