

THE HON' BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1153 of 2019

ORDER:

This contempt case is filed alleging violation of the order dated 10.04.2019 passed by this Court in W.P.No.11378 of 2018, by the respondents.

Heard Sri Vedula Srinivas, learned counsel for the petitioners; and Sri Pasham Krishna Reddy, learned Standing Counsel appearing for the respondent-Corporation.

Sri Vedula Srinivas, learned counsel for the petitioners submits that this Court, as a matter of fact, had recorded that the objections raised by the respondents have been complied with in all respects by the petitioners, and in spite of the same once again objections have been communicated to the petitioners on 24.09.2019 and the objections now being raised are untenable and rejection has been done without there being substance. Learned counsel further brings to the notice of the Court the opinion issued by the learned Advocate General on 10.06.2019 wherein the learned Advocate General opined that the orders of this Court have to be complied with. Learned counsel reads the following portion of the order dated 10.06.2019 and contends that this Court has given a positive direction to the respondents.

“The learned Standing Counsel for the Corporation submits that the Corporation had raised certain defects and as the petitioners had complied with the same on 22.03.2019, their Application for grant of final lay out would be processed in accordance with law, duly taking into consideration the relevant aspects.”

On the other hand, learned Standing Counsel would submit that though there is a small delay in complying with the order dated 10.04.2019, as a matter of fact, the application of the petitioners was placed before the Committee and the Committee having considered the application found certain shortfalls which

were communicated to the petitioners on 24.09.2019. Learned Standing Counsel further asserts that as the application has been processed in compliance of the directions of this Court in the order dated 10.04.2019, there cannot be any contempt in the present case, much less willful disobedience of the order dated 10.04.2019 as alleged by the petitioners.

Having considered the respective submissions, inasmuch as the order dated 10.04.2019 having been complied with by the respondents, this Court does not consider there is any contempt on the part of the respondents in this case.

Though the learned counsel for the petitioners reads the afore-extracted portion of the order dated 10.04.2019 to contend that this Court had virtually directed the respondents to issue layout approval, this Court does not interpret the order as contended by the learned counsel for the petitioner. If that be the interpretation to be given to that order, this Court would have issued a positive order by way of a writ of mandamus directing the respondents to issue layout approval rather than directing them to process the application in accordance with law. In those circumstances, having found no contempt as alleged, the contempt case is liable to be closed.

Accordingly, the contempt case is closed. It may be noted that this Court is not expressing any opinion on the merits of the contentions of the petitioners' counsel or the Standing Counsel, particularly with respect to the allegation that the objections raised by the respondents are untenable. No costs. Miscellaneous petitions, if any pending, shall also stand closed.

18th December, 2019
KSM

CHALLA KODANDA RAM, J

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