

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1297 of 2018

ORDER:

This Contempt Case is filed alleging non-implementation of the order dated 16.06.2017 passed by this Court in Writ Petition No. 19592 of 2017.

By the aforesaid order, this Court directed the official respondents therein to consider the representation of the petitioners and to take appropriate action in accordance with law, against the unauthorized constructions, if any, made by the unofficial respondents, as alleged by the petitioners.

The sum and substance of the representations submitted by the petitioners is that respondent Nos. 5 to 15 illegally occupied their property and have made constructions without obtaining permission. The extent of the land mentioned by the petitioners is Ac. 0.18 ½ guntas out of Acs.2.32 guntas in Survey No. 311 of Garimeli Shivar, Mancherla District.

A counter-affidavit is filed by the third respondent stating that unofficial respondents are in occupation of the subject land prior to 2016 and as a matter of fact, from 2016 onwards, the property tax is being collected from them; that vide intimation letter dated 13.07.2018, the petitioners were advised to approach

the civil Court for getting appropriate relief and that the unofficial respondents in the aforesaid Writ Petition filed Writ Petition No.1608 of 2019 and this Court while dismissing the same vide order dated 01.02.2019, directed the municipal authorities to issue notices to them specifying their violation under the provisions of the Telangana Municipalities Act, 1965, and after considering their explanation, take appropriate action against them.

Learned counsel for the third respondent submits that pursuant to the orders passed by this Court in Writ Petition No.1608 of 2019, notices were issued to the unofficial respondents therein directing them to remove the unauthorized constructions, however, they complied with the same and submitted applications for grant of construction permission. In the circumstances, there is no willful default on the part of the respondent authorities in complying with the orders of this Court.

As per the writ averments, the unofficial respondents trespassed and encroached upon the land purchased by the petitioners through registered sale deeds. The fact that the unofficial respondents do not have permission is also evident from the fact that they approached this Court by way of filing Writ Petition No.1608 of 2019, which in turn, came to be

disposed of directing the respondent authorities therein to take steps in accordance with law.

In view of the above, considering the submission made by the learned counsel for the respondents that the action was initiated pursuant to the orders of this Court in Writ Petition No.1608 of 2019 and thereby, the unofficial respondents removed the illegal structures and had made applications for grant of construction permission, and particularly, considering the fact that the petitioner already moved the civil Court by way of filing a suit for declaratory and injunctive reliefs, this Contempt Case is closed. However, the municipal authorities cannot take coercive action to evict the alleged encroachers as primarily, it is not their duty to evict the encroachments in the private lands.

20th NOVEMBER, 2019.

CHALLA KODANDA RAM, J

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