

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No. 1625 of 2017

Date: 14.09.2021

Between:

Nalla Nagaraju, S/o. late Sankaraiah,
Aged 45 yrs, Private Employee,
R/o 8th ward, Vemulawada,
Karimnagar District.

.....Petitioner

And

Sri K. Sri Hari, S/o not known to the petitioner,
Age not known to petitioner, Commissioner,
Vemulawada Nagar Panchayat,
Vemulavada, Karimnagar District, and another.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No. 1625 of 2017

ORDER:

Though this matter is listed under caption 'for Dismissal', no representation for petitioner.

2. This Contempt Case is filed alleging that order of this Court in WPMP.No.56285 of 2016 in Writ Petition No.45666 of 2016 dated 28.12.2016 was not complied.

3. By said interim order, respondent No.2 herein was directed not to undertake any further construction in subject premises and respondent No.1 herein was directed to ensure that no construction is taken up by respondent No.2.

4. Sri N. Praveen Kumar, learned Standing Counsel for Nagar Panchayats appearing for respondent No.1 as well as Sri M. Ram Mohan Reddy, learned counsel representing respondent No.2, informs the Court that after above said interim order is passed, no further construction was made and therefore, order of this Court is not violated.

5. In counter-affidavit, respondent No.1 states that no further construction was allowed and even respondent No.2 was not allowed to erect shutters to the shops. He also states that respondent No.1 stopped plastering work proposed by respondent No.2 on holidays, especially Sundays.

6. In counter-affidavit deposed on his behalf, respondent No.2 categorically states that no further construction was taken up by him after interim order was passed by this Court.

7. In reply filed by him, petitioner asserts that latest photographs and old photographs would go to show that construction was completed and shutters were erected. Therefore, it amounts to violation of directions of this Court. It is contended that even though respondent No.2 undertook to demolish deviated portion, so far, deviated portion is not demolished and Municipality has not taken steps.

8. Only issue for consideration is whether any construction was made after interim order was passed by this Court.

9. According to learned Standing Counsel, as can be seen from photographs filed by petitioner, three shops were already constructed even before interim order was passed and three shops were semi-finished and when Municipality came to know that some brick work and plastering works were going on holidays i.e., Sundays, they prevented them from undertaking such construction work and respondent Municipality ensures compliance of order of this Court in true letter and spirit.

10. From a reading of averments mentioned in counter-affidavit and reply affidavit, it is apparent that respondent No.2 sought to violate the directions of this Court by undertaking internal brick work and plastering work.

11. Having realized that said action of respondent No.2 was contrary to directions of this Court, learned counsel for respondent No.2 fairly submits that respondent No.2 would deposit an amount of Rs.20,000/- (Rupees Twenty Thousand only) with respondent Municipality within two (2) weeks from the date of receipt of a copy

of this order. On such deposit, respondent Municipality shall utilize said amount for providing drinking water facility in same locality. Compliance of this order shall be filed before the Registrar (Judicial) within three (3) weeks therefrom. This Court has not dealt with the issue of demolition of structures made in deviation of building permission as it is for respondent Municipality to take appropriate action as warranted by law.

12. In view of expression of remorse and coming forward to contribute for providing drinking water supply in the locality, the Court is inclined to take lenient view. However, the 2nd respondent is warned to be careful in future. Any further violation will be viewed seriously.

13. Subject to above, this Contempt Case is closed.

P.NAVEEN RAO, J

14th SEPTEMBER, 2021.

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