

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

CONTEMPT CASE No.732 of 2019

ORDER:

The contempt case is filed alleging wilful violation of order dated 30.04.2019 in W.P.No.9645 of 2019.

Vide the above said orders this Court granted interim order directing the parties to maintain status quo in all respects.

Mr. Durga Prasad, learned Standing counsel appearing for respondents has submitted that the petitioner has voluntarily given the undertaking for removal of illegal and unauthorised construction on the subject property and the petitioner himself has removed the construction. He further submits that the respondents have demolished part of the constructions before the receipt of copy of the order passed by this Court, the officials of Respondent Corporation have removed the illegal construction with the police aid. Therefore, there is no wilful and deliberate disobedience.

Learned counsel for petitioner has submitted that even for the removal of illegal and unauthorised constructions, respondents have to follow due procedure by issuing notices and the action of

respondent taking police aid and removing the construction is in violation of principles of natural justice. Therefore, respondents are not only liable for prosecution under the aforesaid Act, they are also liable to pay damages for illegally removing the construction.

This Court, prima facie finds that Court the respondents have removed the illegal construction even before the receipt of copy of orders and there is no wilful and deliberate violation on the part of respondentss as such no contempt lies.

Accordingly, the contempt case is closed. However, liberty is granted to the petitioner to pursue his remedies either for claiming damages or compensation in the pending writ petition, in accordance with law. No costs.

As a sequel, miscellaneous applications pending if any, shall stand closed.

C.V.BHASKAR REDDY, J

03-02-2023
AQS