



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3332]

**TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CONTEMPT CASE NO: 1230/2021

Between:

1.DARAPU VENKATESWARA RAO, S/O LATE MADHUSUDHANA
RAO, AGED 58 YEARS, RIO D.NO 20-11-25, M.R. RESIDENCY,
REST HOUSE ROAD, BHIMAVARAM, BHEEMAVARAM MANDAL,
WEST GODAVARI DISTRICT.

...PETITIONER

AND

1.K VENKATA RAMA REDDY, COMMISSIONER, BHEEMAVARAM
MUNICIPALITY, BHEEMAVRAM MANDAL, WEST GODAVARI
DISTRICT.

2.K RAMACHANDRA REDDY, COMMISSIONER, BHIMAVARAM
MUNICIPALITY, BHIMAVRAM MANDAL, WEST GODAVARI
DISTRICT. R 2 IS IMOLEADED AS OER COURT ORDER
DT.18.09.2025. VIDE IA NO.1 OF 2025. IN CC NO.1230 OF 2021.

...CONTEMNOR(S):

Petition under Sections 10 to 12 of Contempt of Courts Act 1971
praying that in the circumstances stated in the affidavit file herein the High
Court may be pleased to punish the respondents for non-compliance of
the orders of this Hon'ble Court made in W.P.No.8707/2019, dated 11-07-
2019 passed by Hon'ble Justice Smt Kongara Vijaya Lakshmi and pass

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the 2nd respondent as a proper and necessary party in the C.C.No.1230/2021 and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to implead the proposed respondent as respondent No.2 in C.C.No. 1230/2021 and pass.

Counsel for the Petitioner:

1.P R K AMERANDRA KUMAR

Counsel for the Contemnor(S):

1..

2.SIREESHA RANI VALLABHANENI

The Court made the following order:

This Contempt Case is filed under Sections 10 to 12 of Contempt of Courts Act, 1971 against the respondents for willful disobedience of the order dated 11.07.2019 passed by this Court in Writ Petition No.8707 of 2019.

2. Heard Sri P.R.K.Amarendra Kumar, learned counsel for the petitioner and Smt Sireesha Rani Vallabhaneni, learned counsel for respondent No.2.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the affidavit, contended that when the authorities failed to remove the illegal constructions made by one Kotla Naga Satyanarayana Gupta, despite the same having been brought to their notice through a representation, the petitioner filed Writ Petition No. 8707 of 2019. He further submitted that during the course of arguments in the said Writ Petition, learned standing counsel for Bhimavaram Municipality submitted that the said Naga Satyanarayana Gupta-respondent No.5 (unofficial respondent) has no valid permission for the construction. Consequently, this Court vide order dated 11.07.2019 directed the Commissioner, Bhimavaram Municipality to take appropriate action in accordance with law on the petitioner's representation dated 07.06.2019 within a period of three weeks from the date of receipt of the order, after giving notice and opportunity of hearing to the petitioner and respondent No.5. He further

submitted that despite such direction, the respondent authorities neither passed any orders on the petitioner's representation nor initiated any action against the unauthorized constructions, however, by endorsement dated 12.02.2021, the authorities informed the petitioner that the dispute between the petitioner and respondent No.5 therein was civil in nature and the Municipality had no right to interfere in such civil disputes. He further submits that the dispute is with regard to unauthorized construction made by unofficial respondent without any sanction plan and without leaving setbacks which is not a civil dispute and there is clear violation of building permission rules. Hence, prayed to punish the respondents for non-compliance of the orders of this Court.

4. On the other hand, learned counsel for respondent No.2, while reiterating the contents of the reply affidavit filed on behalf of respondent No.2, contended that as on the date of passing of the order in Writ Petition No.8707 of 2019, there was no building permission in favour of the unofficial respondent. Subsequently, the unofficial respondent made an application under the Building Penalization Scheme (BPS) and the constructions were regularized by the Bhimavaram Municipality in accordance with the said scheme. She further submitted that in compliance with the orders of this Court, the Bhimavaram Municipality intimated the petitioner and the unofficial respondent, afforded an opportunity of hearing to the unofficial respondent and thereafter regularized the building under

BPS-2019 on payment of penal charges amounting to Rs.2,42,707/- She further contended that the petitioner had wrongly mentioned the shop bearing Door No.23-8-38/A instead of Door Nos.23-8-35, 36. She further submitted that the petitioner was fully aware of the proceedings initiated under BPS in respect of the unofficial respondent and even after completion of the regularization under BPS, the petitioner filed the present Contempt Case. She further submitted that BPS proceedings have been completed much prior to respondent No.2 assuming office and also prior to the filing of the present Contempt Case, as such, there is neither willful violation nor disobedience of the orders passed by this Court. Hence, prayed to close the Contempt Case.

5. In reply, learned counsel for the petitioner submitted that regularization of the constructions made by the unofficial respondent was carried out behind the back of the petitioner, despite a specific direction having been issued by this Court to afford an opportunity of hearing to both the petitioner as well as the unofficial respondent. Such action amounts to willful disobedience of the orders of this Court in Writ Petition No.8707 of 2019.

6. Perused the material available on record and the submissions made by learned counsel for the parties.

7. As could be seen from the record, the petitioner submitted a representation to the Municipal authorities bringing to their notice that the

unofficial respondent had made illegal constructions without obtaining permission. Since the authorities did not act upon the said representation, the petitioner filed Writ Petition No.8707 of 2019. In the said Writ Petition, learned standing counsel for Municipality submitted that the unofficial respondent had not obtained any permission from the Municipality for construction of building. Taking the said submissions into consideration, this Court disposed of the Writ Petition directing the Commissioner to take appropriate action on the petitioner's representation dated 07.06.2019 in accordance with law by giving an opportunity of personal hearing to both the petitioner as well as the unofficial respondent.

8. As could be seen from the reply affidavit and the proceedings of the Commissioner, Bhimavaram Municipality *vide* proceedings No.BPS2019/BHI/21/40016, dated 27.02.2020, pursuant to the application submitted by the unofficial respondent under the Building Regularization Scheme, dated 06.08.2019, the subject building was penalized and regularized under the 'Andhra Pradesh Regulation and Penalization of Buildings Constructed Unauthorizedly and In Deviation to the Sanctioned Plan Rules, 2019', on payment of penal charges amounting to Rs.2,42,707/-

9. The specific contention advanced by the learned counsel for the petitioner is that before considering the building regularization application of unofficial respondent, no opportunity of hearing was given to the

petitioner, as such, it amounts to violation of the orders passed by this Court.

10. The order passed in the Writ Petition required the authorities to consider the petitioner's representation dated 07.06.2019 in accordance with law, after giving an opportunity of hearing to both the petitioner and the unofficial respondent. The material on record reveals that the construction in question was subsequently regularized under the Building Penalization Scheme, 2019, by following the procedure contemplated under the scheme, including issuance of notice and affording opportunity of hearing. Even assuming the petitioner's contention that the opportunity was not effectively afforded, the material placed before this Court do not establish any deliberate or willful disobedience of the order dated 11.07.2019 in Writ Petition No.8707 of 2019.

11. The jurisdiction under the Contempt of Courts Act is summary in nature and this Court, while exercising jurisdiction under the said Act, is only required to adjudicate upon the question as to whether there has been any willful disobedience of any judgment/order passed by the Court or not.

12. In view of the above, since the respondent authorities have proceeded under the Building Penalization Scheme and have regularized the constructions, this Court is of the view that there is no material placed by the petitioner to hold that there has been willful or deliberate violation of the order of this Court by the respondents.

13. Accordingly, the Contempt Case is closed. However, if the petitioner has any grievance against the consideration of application of the unofficial respondent under Building Penalization Scheme, he is at liberty to challenge the same before the appropriate forum in accordance with law. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any in the Contempt Case, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

21.04.2026

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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

CONTEMPT CASE NO:2130 of 2021

Date: 21.04.2026

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