

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.922 OF 2014

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ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed by this Court in W.P.M.P. No.17026 of 2014 in W.P. No.13641 of 2014 dated 28.04.2014 whereby the GHMC was directed to have the matter examined, put respondents 4 to 7 on notice, give them an opportunity of being heard, and, in case the construction was without prior permission, then take action against respondents 4 to 7 in accordance with law. The respondents were also directed to pass an order on the petitioners representation and communicate their decision within one month from the date of receipt of the copy of this order.

An order was passed, in compliance with the order of this Court, *albeit* belatedly on 03.11.2014. In the said order, it is stated that the construction of the function hall was unauthorised, without any valid permission from the GHMC, and it was resolved to remove the construction of the function hall and the occupants were directed to remove the structures, failing which the GHMC would take action in accordance with law.

The inability of the respondents to proceed with taking action is attributed to the order of *status quo* passed by the IV Junior Civil Judge, City Civil Court, Hyderabad in I.A. No.246 of 2014 in O.S. No.908 of 2014. Both Sri N. Subba Rao, Learned Counsel for the petitioner and Sri N. Ashok Kumar, Learned Standing Counsel for GHMC, would agree that the order of status quo subsists as on date. If that be so, failure of the respondents to take action, to demolish the illegal construction, cannot be said to be either wilful or deliberate necessitating action being taken against them under the Contempt of Courts Act. The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 27.11.2015.

MRKR