

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**C.C.No.530 of 2015**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. This Contempt Case is filed for willful disobedience of the orders dt.28-10-2014 in W.P.M.P.No.40252 of 2014 in W.P.No.32195 of 2014.
3. On 28-10-2014 this Court had recorded the undertaking of the Standing Counsel of the GHMC that the Commissioner of GHMC will initiate proceedings in accordance with the provisions of the GHMC Act, 1955 against the illegal constructions made by 4<sup>th</sup> respondent.
4. Petitioner contends that in spite of the said order, the respondents have not removed the structures erected by 4<sup>th</sup> respondent in the Writ Petition in the petitioner's property.
5. Counter affidavit was filed by 2<sup>nd</sup> respondent stating that notice under Section 451 (1) and 460 (1) were issued to 4<sup>th</sup> respondent in the Writ Petition on 17-11-2014, notice under Section 452 (2) dt.26-11-2014 was also issued and subsequently a final notice under Section 636 of the Act was also issued on 12-12-2014 directing 4<sup>th</sup> respondent in the Writ Petition to remove unauthorized constructions of the shed. It is further stated that on 09-04-2015, with police assistance, the structures erected by 4<sup>th</sup> respondent have been removed.

6. Learned Standing Counsel for the respondents has placed before me photographs taken at the time of demolition of the unauthorized construction by 2<sup>nd</sup> respondent in the subject property.
7. Although the learned counsel for the petitioner states that even today certain structures exist in the subject property and produced certain photographs, on perusal of the said photographs, it is clear that 4<sup>th</sup> respondent in the Writ Petition had put some tin sheets on bamboo sticks and there is no permanent structure in the subject property. The respondents therefore cannot be said to have committed contempt of Court, if the 4<sup>th</sup> respondent in the Writ Petition puts up a temporary structure on bamboo sticks.
8. Therefore, I do not find that it is a fit case to proceed further in the matter since I am of the opinion that the respondents have complied with the order passed by this Court.
9. Therefore, the Contempt Case is dismissed. No costs.
10. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 13-11-2015

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