

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

CONTEMPT CASE No.1281 OF 2015

ORDER

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This contempt case is filed alleging violation of orders dated 20.04.2015 passed in W.P.No.10406 of 2015 where in this Court directed the respondents to take further action according to law in pursuance to the notice issued under Section 452(1) ad 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act').

The case of the petitioner is that inspite of direction given by this Court, the respondents have not initiated any further action after issuing notice under Section 452(1) and 461(1) of the Act.

Counter affidavit is filed by the 3rd respondent stating that the 4th respondent in the writ petition has approached the City Civil Court against the show cause notice issued under Section 452(1) and 461(1) of the Act by filing O.S.No.801/2015 and obtained status quo orders on 17.04.2015 in I.A.No.257 of 2015. Later the said suit was withdrawn and filed another suit in O.S.No.1251/2015 and obtained status quo orders on 21.07.2015 in I.A.No.404 of 2015. In view of the same, further action could not be taken. It is stated that the respondents instructed the 4th respondent to stop construction work, when they noticed him proceeding with further construction inspite of the status quo orders passed by the Civil Court. It is also stated that the Corporation has filed written statement in the suit and also filed counter in I.A.No.404/2015 in the said suit for vacating the status quo orders. As such there is no deliberate and wilful disobedience of the orders passed by this Court.

In this case, it is not disputed that the 4th respondent has obtained status quo orders in I.A.No.404/2015 on 21.07.2015 and the same are subsisting as on today.

In view of the interim orders passed by the Civil Court and since the same are subsisting as on today, it cannot be said that respondents have violated the orders passed by this Court. As such, I do not see any violation of

the orders passed by this Court.

Hence, the contempt case is dismissed. However, it is open for the petitioner to implead himself in the suit filed by the 4th respondent seeking vacation of the interim orders. No costs.

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

A.RAJASHEKER REDDY,J

Date: 23.09.2015

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