

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1607 OF 2013

Dated : 01.04.2015

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Between:

Gowri Shankar Goud S/o.Late N. Ashok Goud,

Aged 29 yrs, Occu : Business,

R/o.H.No.2-56, Serlingampally,

Dist: Rangareddy

.. Petitioner

And

Md. Hussain @ Hamid S/o.Md. Sayad Ali,

Aged about 44 yrs, Occu : Business and Political Leader,

R/o.H.No.2-57, Serlingampally,

Dist:Ranga Reddy.

.. Respondent

This Court made the following :

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ORDER :

At the time of admission, this Court passed interim order in W.P.M.P.No.28195 of 2009 on 09.10.2009 directing the respondents not to demolish the existing structure of the petitioner in premises No.2-56, Serlingampally Municipality and Mandal, Rangareddy District and the petitioner was also directed not to take up any construction in the said premises until further orders.

2. Alleging that the order of this Court is violated, the petitioner filed this

contempt case. Along with the contempt case, the petitioner filed photographs of the premises and construction made by the neighbour.

3. Learned counsel placing reliance on the photographs submits that the demolition was made after the interim order was passed and therefore, the respondents have violated the orders passed by this court and therefore liable for punishment under the Contempt of Courts Act, 1971.

4. A bare perusal of the photographs filed in the writ petition and the contempt case, it is not clear whether such demolition took place after the interim orders are passed. The interim order was passed in the year 2009, whereas the contempt is moved in the year 2013. The photographs enclosed to the contempt case disclose that permanent structure has come up on the place, where the alleged compound wall was standing. Unless there is a clear proof of violation of the Court orders, proceedings under the Contempt of Courts Act, 1971 cannot be initiated and by looking at the photographs, it is not clear as to when the demolition took place and therefore, contempt case is not maintainable and is liable to be dismissed.

5. Accordingly, Contempt Case is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Contempt Case shall stand dismissed.

P.NAVEEN RAO,J

1st April, 2015

Rds