

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.903 OF 2014

ORDER:

The order, violation of which has resulted in this Contempt Case being filed, is the order passed by this Court on 24.04.2014 directing the fourth respondent in W.P.No.11535 of 2014 (third respondent in the Contempt Case) not to make any construction except with the prior permission of the GVMC. While passing the said order, this Court made it clear that the order shall not preclude the GVMC from taking action against the fourth respondent, for the illegal construction made by him, in accordance with law. The present Contempt Case is filed by the petitioner alleging that, despite the order of this Court dated 24.04.2014, the respondents were proceeding with construction as is evidenced by photographs dated 10.06.2014.

A counter affidavit is filed on behalf of the respondents herein. In the counter affidavit filed on behalf of the GVMC, it is stated that, after the order passed by this Court on 24.04.2014, the third respondent resubmitted an application seeking building permission on 29.05.2014; permission was accordingly granted by the GVMC on 08.07.2014; questioning the permission granted to the third respondent, the petitioner filed W.P.No.34249 of 2014; and the said Writ Petition was dismissed by order dated 25.11.2014.

Both Sri S.Lakshminarayana Reddy, learned counsel for the GVMC and Sri P.Roy Reddy, learned counsel for the third respondent, would assert that the third respondent did not make any construction till permission was granted by the GVMC on 08.07.2014. While Sri N.Ravi Prasad, learned counsel for the petitioner, would draw attention of this Court to the photographs filed along with the Contempt Case, in support of his submission that construction was carried on even on 04.04.2014 and 10.06.2014, these are matters which cannot be ascertained in contempt proceedings. Suffice it to note that the petitioner has since obtained permission on 08.07.2014, and claims to have commenced and completed construction thereafter. As the proceedings under the Contempt of Courts Act are quasi-criminal in nature, and the proof required to establish the contumacious conduct is proof beyond reasonable doubt, I see no reason to proceed against the respondent under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed.

(RAMESH RANGANATHAN, J)

10th April 2015

RRB