

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

C.C. No.1204 of 2012

Between:

Smt. K.Sita Bai and another

...

Petitioners

And

Mr.Maqbool Ahmed,
The Deputy Commissioner,
Town Planning,
GHMC., L.B. Nagar,
Circle-III, Hyderabad.

...

Respondent

JUDGMENT PRONOUNCED ON 14.12.2015

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THE HON'BLE SRI JUSTICE G. CHANDRAIAH

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
marked to Law Reporters/Journals. :
3. Whether their Ladyship/Lordship wish to
see the fair copy of the Judgment? :

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

C.C. No.1204 of 2012

ORDER:

This contempt case has been filed seeking to punish the respondent under the provisions of Contempt of Court for his willful disobedience of the order dated 20.04.2012 passed in W.P. No.11590 of 2012 by this Court.

The petitioner, earlier, filed W.P. No.11590 of 2012 questioning inaction of the official respondents 1, 2 and 4 therein and to take action against the 3rd respondent therein for his illegal acts in spite of representations/complaints made by the petitioner on 05.04.2012 and 07.04.2012. Wherein and where under this Court on 20.04.2012, while disposing of the writ petition, directed the official respondents 1 and 2 therein to consider the representation of the petitioners dated 07.04.2012, after due notice to the petitioners and the 3rd respondent therein and pass appropriate orders, in accordance with law, within a period of four weeks, from the date of receipt of a copy of the order.

Complaining that the said order has not been complied with by the respondent, hence, the present contempt case.

Though the learned counsel, representing the learned counsel for the petitioner on record, that this matter may be taken up after some time, this Court is not inclined to adjourn the matter.

As could be seen from the affidavit, filed in support of this petition, it is categorically mentioned that on receipt of the order passed by this Court, the respondent has issued a notice on 30.05.2012 asking the petitioners to attend the hearing on 12.06.2012 at 4. pm., in the chambers of Dy.Commissioner/ACP., in GHMC., L.B.Nagar circle.

After receiving the said notice, as per contents of the notice, the petitioners stated to have proceeded to the office of the respondent, but surprisingly, there was nobody to respond and therefore, they returned back. It is further stated that on 02.07.2012 a letter has been addressed requesting the respondent to implement the order of this Court but did not take any action and whenever they approach the respondent they keep on saying that "*we will call you*".

From the above, it is clear that pursuant to the direction given by this Court only the respondent issued a notice on 30.05.2012 asking the petitioners to attend the hearing on 12.06.2012 at 4.00 pm., in the chambers of the Dy.Commissioner and pursuant to the said notice, they stated to have went there but could not find any one to respond them. At this stage, it is to be noticed that it is nowhere mentioned in the affidavit that by what time the petitioners went to the chambers of the officer concerned and at this moment, this Court cannot go into other aspects except to see whether is there any willful disobedience of the order passed by this Court? It is categorically averred that on receipt of the order passed by this Court the respondent issued notice dated 30.05.2012. In that view of the matter, it cannot be said that there is willful disobedience of the order passed by this Court. Therefore, this contempt case is liable to be closed.

Accordingly, this contempt case is closed.

As a sequel, miscellaneous petitions, if any, stands closed.

There shall be no order as to costs.

JUSTICE G.CHANDRAIAH

Date: 14.12.2015
LSK