HON'BLE SRI JUSTICE S.V. BHATT

CONTEMPT CASE No.554 of 2015

in

WRIT PETITION No.2137 of 2015

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Date: April 01, 2015

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Between:

Osman Ahmed. … Petitioner

And

1. R. Meena, I.A.S.,

Principal Secretary,

State of Telangana,

Revenue (Land Acquisition),

Secretariat, Hyderabad & 2 others. … Respondents

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O R D E R:

The petitioner complains wilful disobedience of order dated

06.02.2015 in W.P.No.2137 of 2015.

2. The affidavit filed along with the contempt case refers to the happenings at site when the respondents tried to take possession of neighbouring properties for road widening. In this background, the complaint of petitioner is that the respondents without passing an Award as directed by this Court in W.P.No.2137, much less taking possession as stipulated by law, have forcibly removed name board, caused damage to the front portion etc., and thus violated the order dated 06.02.2015.

3. At request of the learned standing counsel, the contempt case is adjourned to today for the response of respondents. The counter-affidavit of Assistant City Planner for and on behalf of 3rd respondent is placed on record. The stand of Assistant City Planner is as follows:

> "It is respectfully submitted that the Commissioner, GHMC has delegated his powers under Sec.119 of GHMC Act, 1955 to the Asst. City Planners for taking up the demolition work in respect of the affected properties notified under Land Acquisition Act. In view of that I am attending to the demolition work of affected properties in road widening in Ward No.1, wherein the property of the petitioner bearing Municipal H.Nos.1-4-788/2 & 4, Bakaram, Musheerabad, Hyderabad, is situated. The possession of the said property is not yet handed over to GHMC by the Land Acquisition Officer, the 2nd respondent herein. Unless the said property is physically handed over to the GHMC, the GHMC will not demolish the same. Hence the allegation made in the affidavit that the employees of the GHMC are threatening the petitioner to demolish his property bearing Municipal H.Nos.1-4-788/2 & 4 is false, baseless and invented for the purpose of this contempt case, therefore same is denied.
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> It is further respectfully submitted that, I have gone through the orders dated 06.02.2015 passed by this Hon'ble Court in W.P.No.2137 of 2015 wherein this Hon'ble Court was pleased to set aside the impugned award passed in respect of the said property and allowed the writ petition observing that respondents are at liberty to proceed further

in pending acquisition proceedings in accordance with Section 24 of the Act."

4. No doubt, the stand now stated in the counter-affidavit is slightly find tuned and to avoid further consideration of contempt of order dated 06.02.2015 in W.P.No.2137 of 2015. Even had it be a case where allegations stated by the petitioner attract disobedience of order dated 06.02.2015 in W.P.No.2137 of 2015, this Court would have certainly considered the matter within the four corners of law. For the present, I consider it appropriate to place on record the stand of Tulasi Ram/Assistant City Planner, who allegedly participated in the demolition of neighbouring houses and close the contempt.

5 . Pending miscellaneous petitions, if any, shall stand closed in consequence. No order as to costs.

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S.V. BHATT, J

Date: April 01, 2015.

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HON'BLE SRI JUSTICE S.V. BHATT

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