

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE NO.1468 OF 2014

ORDER:

_____ The order, violation of which is alleged in the present Contempt Case, is the order passed in WP.MP.No.23215 of 2014 in W.P.No.18526 of 2014 dated 14.07.2014 whereby the third respondent was directed not to make any further construction except after obtaining prior written permission from the second respondent. This Court made it clear that this order did not preclude the second respondent from taking action, for the illegal construction made by the third respondent, in accordance with law.

The order of this Court only required the second respondent herein not to make any further construction. In paragraph No.15 of the additional counter affidavit dated 11.02.2016, the second respondent states that he has not committed any contempt; and they had not carried out any construction from the date of the order i.e., 14.07.2014. As no reply affidavit has been filed, the respondents cannot be said to have violated the order of this Court, much less wilfully and deliberately.

Mr. Mir Masood Khan, learned counsel for the respondents, would submit that the petitioners had sought permission of the second respondent to proceed with construction and, on their request being refused, they have filed W.P.No.43135 of 2015 wherein Zaheerabad Municipality is contending that the petitioners' application, for grant of permission/regularisation, cannot be considered in view of the pendency of this Contempt Case.

_____ All that this Court had observed, in its order in WP.MP.No.23215 of 2014 in W.P.No.18526 of 2014 dated 14.07.2014, is that the respondents should not make any further construction without obtaining prior written permission from Zaheerabad Municipality. The said order did not preclude the second respondent from considering any application for grant of permission/regularisation.

I see no reason, therefore, to proceed against the respondents under the Contempt of Courts Act, 1971.

The Contempt Case is, accordingly, closed.

-

(RAMESH RANGANATHAN, J)

26th February 2016

RRB