

Contempt Case No.1068 of 2014

ORDER:

This contempt case is filed alleging violation of the interim order passed by this Court in W.P.M.P.No.19959 of 2014 in W.P.No.16111 of 2014 dated 12.06.2014.

In the said order, this Court noted the submissions of the learned Standing Counsel for GHMC that two individual building permissions were granted for construction of a ground + first floor building; on inspection, it was noticed that unauthorised excaction work had commenced for construction of the cellar floor, duly merging the two individual building permissions; this was contrary to the sanctioned plan, and in violation of the provisions of the Greater Hyderabad Municipal Corporation Act, 1955; and the GHMC had issued notice dated 21.05.2014 asking the 4th respondent to fill up the unauthorisedly excavated cellar, and to ensure safety of the neighbouring structures. Having noted the said submissions, this Court granted interim suspension as prayed for which was to direct the 4th respondent to forthwith stop the illegal construction.

A counter affidavit is filed by respondents 1 to 3 stating that the GHMC had issued another notice to the 4th respondent on 26.06.2014 directing him to fill up the unauthorised excavated cellar; no construction work is being carried out in the premises subsequent to the interim order passed by this Court; and the allegation to the contrary is false. In the counter affidavit filed by the 4th respondent, it is stated that, after coming to know of the orders of the High Court, he had completely stopped the construction activity.

In the reply affidavit filed thereto, all that is stated by the petitioner is that the construction work was carried on till 11.09.2014, even after the order was passed by this Court.

While both the official respondents and the 4th respondent have stated that no construction activity was carried on after receipt of a copy of this order, the photographs filed along with reply affidavit only show the construction of the cellar portion which, evidently, was prior to the interim order passed by this Court. In view of the specific assertion by the official respondents and the 4th respondent, in their respective counter affidavits, that no construction activity was undertaken subsequent to the interim order passed by this Court, the Contempt Case is closed.

Needless to state that, in case the 4th respondent were to resume construction activity during the period the aforesaid interim order is in force, it is always open to the petitioner to again invoke the contempt jurisdiction of this Court. Contempt applications pending, if any, shall also stand closed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

25th November, 2016
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



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Date: 25.11.2016

JSU

