

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
CONTEMPT CASE No.2214 of 2015

ORDER:

This Contempt Case was filed alleging non-implementation of the order dated 16.06.2014 in W.P.No.19855 of 2010.

This Court allowed the said Writ Petition by setting aside the notice dated 14.06.2010 issued under Section 636 of the Hyderabad Municipal Corporation Act, 1955 (for short, the Act), and directed the second respondent therein to consider the explanation submitted by the petitioner therein on 06.04.2010 and pass a reasoned order.

The Joint Commissioner (Administration), who previously worked as the Deputy Commissioner, Circle No.15, filed an affidavit stating that she joined as the Deputy Commissioner on 10.09.2015 and after joining as the Deputy Commissioner she issued proceedings on 21.09.2015 to the Assistant City Planner, Executive Engineer and other officials instructing them to examine all the pending Court cases and file counter affidavits/para-wise remarks. In pursuance of the same, a list of cases were furnished to her on 05.10.2015, but in the said list there was no reference to W.P.No.19855 of 2010 and more particularly the order dated 16.06.2014.

In view of the said averments, when this Court noticed that the previous Commissioner has not taken any action from 16.06.2014 to 10.09.2015, an affidavit was directed to be filed by the former Deputy Commissioner. She stated that she worked as Deputy Commissioner in Circle No.15 for the period from 21.05.2013 to 09.10.2015. She stated that she came to know that the Section Officer, who received the Court orders, had not put up the same before her, which resulted in non complying with the order.

The present Deputy Commissioner stated that after receipt of the

notice in the present Contempt Case, she passed final orders under Section 636 of the Act on 28.12.2015 and demolished the pent house and removed all the structures in the cellar on 29.12.2015 and 12.02.2016 after issuing proceedings in letter dated 10.02.2016. The said orders were passed under Section 636 of the Act after complying with the procedure.

In view of the above, this Court asked the learned Standing Counsel for GHMC as to the action taken on the Section Officer and other Officers responsible for not placing the orders before the concerned Deputy Commissioner at the relevant point of time. The learned Standing Counsel submitted that Memo was issued to the responsible Officers – Junior Assistant and Town Planning Assistant, and they submitted their explanation. The Memo along with the explanations was forwarded to the Head Office for taking appropriate action.

In the circumstances, this Court feels that no further action need be taken on the contemnor, who was not responsible for dereliction of duties, but in view of the pending proceedings on administrative side against the concerned, it is left to the Commissioner or other superior Officer for taking appropriate action against the concerned for their dereliction of duties.

The Contempt Case is, accordingly, closed.

(A.RAMALINGESWARA RAO, J)

18.04.2016
vs