

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CONTEMPT CASE No.260 of 2017

ORDER: (per SK,J)

This contempt case was instituted alleging wilful disobedience to the undertaking given to this Court which was recorded in the order dated 07.08.2015 passed by this Court in W.A.No.756 of 2015. By the said order, this Court permitted the appellants to continue in possession of their respective shop premises at Goshamahal, Malakunta X Roads, Hyderabad, till 31.12.2015 subject to their furnishing undertakings in the form of affidavits that they would not create any third party rights therein or part with possession thereof and handover vacant and peaceful possession to the respondents on or before 31.12.2015. The allegation of the petitioner in this contempt case was that despite giving such an undertaking, the appellants in W.A.No.756 of 2015 did not handover the vacant possession of the subject premises to the Greater Hyderabad Municipal Corporation (GHMC).

The Estate Officer, GHMC, Hyderabad, filed a counter-affidavit stating that the GHMC had taken over possession of the subject premises by demolishing the existing structures on 23.08.2017.

Though there appears to be a violation of the undertakings given by the appellants in W.A.No.756 of 2015 to this Court, we are of the opinion that the same cannot be treated as wilful disobedience as it is brought to our notice that there was an issue raised before the authorities with regard to the extent of the road widening to be undertaken. In any event, as the appellants have now been made to deliver vacant

possession of the shop premises, which have also been demolished by the GHMC, no cause is made out for exercise of contempt jurisdiction.

The contempt case is accordingly closed. No order as to costs.

SANJAY KUMAR,J

Dr. SHAMEEM AKTHER,J

Date:07.09.2017

GJ

