

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

C.C.No.105 of 2016

ORDER:

This Contempt Case is filed by the petitioner alleging willful disobedience of the interim order granted on 18-10-2014 in W.P.M.P.No.39077 and 39078 of 2014 in W.P.No.31265 of 2014.

2. The said order stated:

“Heard counsel for the petitioner and Standing Counsel for respondents 1 to 4.

Petitioner questions the sealing of the petitioner’s premises by the respondents without passing any orders giving reasons for the same, and without calling for an explanation from the petitioner against the complaint allegedly received by the petitioner from the 5th respondent.

I find considerable force in the submissions made by the counsel for the petitioner without issuing a show cause notice to the petitioner and hearing his explanation, order for sealing of the petitioner’s premises could not have been passed.

Therefore, there shall be interim direction as prayed for.”

3. After issuing notice to the respondents, the seal on the petitioner’s premises was lifted in October 2016 almost two years after interim order was passed by this Court.

4. A counter affidavit was filed in October, 2016 by one Rahul, Assistant Medical Officer, Greater Hyderabad Municipal Corporation (GHMC), Circle-I, apologizing for the delay in

implementing the Court orders. It is stated therein that due to change of officers, the delay occurred.

5. Since this cannot be a valid reason, on 04-11-2016, notice in Form-I was issued to respondent Nos.1 and 2. After service of notice on the respondents, the respondents did not appear. Therefore bailable warrants were issued for their appearance on 16-12-2016.

6. Since the learned Standing Counsel for GHMC Sri Pasham Krishna Reddy was not assisting the Court properly, the office of Advocate General was requested to assist the Court on 20-01-2017.

7. Sri P.Keshava Rao, learned Standing Counsel, appearing for the Advocate General caused the respondents to appear on 10-02-2017 and the bailable warrants issued were recalled.

8. Subsequently, when the matter was listed on 17-02-2017, an additional counter affidavit was filed by Smt. K.Manjula Vani Assistant Medical Officer, Health, GHMC, Circle-I, Hyderabad alleging that the petitioner's business was causing pollution and contending that the premises of the petitioner was not sealed but only a *Bhatti* existing behind the premises was sealed and that the petitioner was continuing in his business all through without any obstruction.

9. It is not in dispute that *bhatti* sealed by the respondents is also located in the premises owned by the petitioner where M/s.H.K.Bakery is located. The closing of the *Bhatti* is in clear violation of principles of natural justice and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and W.P.No.31265 of 2016 has been allowed on the same ground.

10. In the Additional Counter affidavit, it is stated that several persons worked as Assistant Medical Officers of Health between October, 2014 and October 2016 and that Smt. K.Manjula Vani joined on 03-02-2017 only. She stated that all the Assistant Medical Officers of Health are deputed to work in the GHMC from other departments such as Public & Health, Primary Health Centers, Community Health Centers etc. and that they are not well versed with the duties assigned to them and this was the reason for the delay in implementing the Court orders directing removal of seal on the premises of the petitioner which could be done only on 24-10-2016.

11. Though this Court is of the view that the reason given by Smt. K.Manjula Vani is not valid reason, having regard to the fact that costs of Rs.5000/-have been imposed in the Writ Petition against the Greater Hyderabad Municipal Corporation, and since the seal on the premises of the petitioner has been removed in October 2016 and trade licence has also been now issued to him, I do not wish to punish the respondents in Contempt of Court.

12. Accordingly, the Contempt Case is closed. No costs.

13. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 14-07-2017
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