

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1345 OF 2016

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

This Contempt Case is filed alleging violation of the order passed by a Division Bench of this Court in PIL.No.237 of 2014 dated 30.03.2016. In the said order, the Division Bench recorded the averments of the second respondent, in their counter affidavit, that the eighth respondent had raised a compound wall, in between pillar Nos.6 and 7, with a length of 22 meters in the buffer zone; and had allotted badminton and tennis courts between pillar Nos.7 and 8 in an area of 475 square metres. The Division Bench directed the eighth respondent to give a written undertaking about the date on which he proposed to remove/demolish the compound wall, tennis court and badminton court, and to restore the land to its original status, within the stipulated time. The Division Bench recorded the submission of the learned Government Pleader that the concerned authority would take immediate steps to restore pillar No.10 to its original location within a period of eight weeks, and closed the Writ Petition.

This Contempt Case has been filed alleging violation of the order of the Division Bench. The petitioner would contend that the second respondent herein (eighth respondent in Writ Petition) had failed to remove the encroachment as per his own undertaking. We had, by our order dated 02.06.2017, directed the Registrar (Judicial) to cause inspection of the subject area, to determine

whether even a part of the badminton and tennis courts of the eighth respondent fell within the buffer zone of Kapra Lake.

The report of the Registrar (Judicial) filed on 22.06.2017 discloses that on the Northern side of the Kapra Lake, all along FTL pillar Nos.3 to 10, a fence has been erected only on the FTL pillar line, leaving the buffer zone; on the Eastern side of the lake, there is a tank bund; a fence has been erected at the toe edge of the tank bund; on the South-west, and the Western side, there appeared to be some encroachments in the FTL area and buffer zone; houses and other structures had come up; a Ganesh Immersion Pond was built; a fence had been erected either on the FTL pillars, or on the remaining parts of the buffer zone abutting the existing houses, structures, only to protect the lake from further encroachments; and all the respondents were present at the time of inspection. The report also records that the compound wall, tennis court, toilets and badminton court of the eighth respondent are away from the existing 30 meters buffer zone of Kapra lake from FTL pillar Nos.6 to 10. It is evident, therefore, that the structures raised by the eighth respondent i.e. the badminton and tennis courts are beyond the buffer zone of Kapra lake. In so far as the other encroachments are concerned, Learned Government Pleader for Revenue would submit that the respondents would take necessary action to fence the other parts of Kapra lake, and initiate steps to remove the other encroachments.

In the light of the report of the Registrar (Judicial), and the submission of the learned Government Pleader for Revenue, we see no reason to proceed against the respondents under the Contempt

of Courts Act, 1971. The Contempt Case is, accordingly, closed. Suffice it to direct that a copy of the report of the Registrar (Judicial), along with its enclosures, be made available to the District Collector, Medchal, Malkajgiri District to enable him to take action as assured by the learned Government Pleader, and in accordance with law. Miscellaneous applications, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

1st September 2017
RRB



(P.NAVEEN RAO, J)