

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.1450 OF 2016

Dated:13.10.2017

Between:

Smt. Nayeem Sultana,
W/o. Mohd Azar,
Aged about 40 years,
R/o.H.No.19-1-1052/22/A,
Bandalguda, Hyderabad

.. Petitioner

And

M.G. Gopal, S/o. Not known to the
Petitioner, Principal Secretary to the
State of Telangana Municipal Admn. and
Urban Development Department,
Secretariat, Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

This Court, by order dated 29.10.2015 in W.P.M.P.No.26660 of 2015 in W.P.No.20692 of 2015, passed the following order:

“... Having regard to the same, the respondent authorities are directed to ensure that no further construction takes place in the subject premises of the 5th respondent, if there is no building permission and if the order of status quo granted in I.A.No.569 of 2010 in O.S.No.98 of 2010 is subsisting.”

2. Alleging violation of the said order, this Contempt Case is filed.

3. Petitioner alleges that after the interim order was passed by this Court, the 5th respondent has undertaken construction of the subject building and the same amounts to violation of the directions issued by this Court.

4. In the counter affidavit filed on behalf of the respondent – Municipal Corporation, it is specifically asserted in paragraph No.4 (d) that by the time the interim order was passed by this Court, entire construction of the Ground and First floors were completed and painting work was also completed.

5. Along with the counter affidavit filed on behalf of the 5th respondent, the 5th respondent enclosed the depositions recorded in O.S.No.98 of 2010 pending on the file of XIII Additional Chief Judge, City Civil Court, Hyderabad. In the cross examination, the petitioner herein, who was the plaintiff therein, stated that the construction was undertaken and the 5th

respondent is residing in RCC building with well furnished.' This deposition was recorded in the year 2013. There is no other material placed on record to show that the construction was undertaken after the orders were passed by this Court.

6. Having regard to these submissions, it cannot be said that the 5th respondent has violated the directions of this Court warranting initiation of proceedings under the Contempt Courts Act, 1971. However, it is made clear that this order is only concerning violation of the directions issued by this Court and this order does not come in the way of the respondent – Municipal Corporation from taking action against the alleged illegal construction undertaken by the 5th respondent.

7. The Contempt Case is accordingly closed.

Date:13.10.2017

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P. NAVEEN RAO, J

