

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.02 OF 2016

DATED : 05.12.2017

Between :

Mohammed Jahangir S/o.Late M.Ali,
Aged about 54 yrs, Occu : Business,
R/o.H.No.22-3-947/33, Purani Haveli,
Hyderabad.

.. Petitioner

And

Sri Samrat Ashok S/o.Not known to petitioner,
The Deputy Commissioner,
Greater Hyderabad Municipal Corporation,
Circle No.IV, Sardar Mahal, Hyderabad & another.

.. Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

This contempt case is filed to punish the contemnor for wilfully and deliberately violating the order passed by this Court in W.P.M.P.No.42223 of 2015 in W.P.No.31900 of 2015 dated 12.10.2015.

2. This Court by order dated 12.10.2015 made in W.P.M.P.No.42223 of 2015, having noted the stand of respondent-Municipal Corporation that no building permission was granted to respondents 7 to 9 in the writ petition, and that notice under Section 452 of the Greater Hyderabad Municipal Corporation Act, was issued, directed respondents 3 and 4 to ensure that no further construction takes place in the subject property. Alleging violation of the said directions, this contempt is filed.

3. Petitioner filed C.A.No.900 of 2016 to implead three persons as respondents to the contempt case, who were respondents 7 to 9 in the writ petition. This Court by order dated 03.11.2017, dismissed the said application on the ground that notice ordered on the said respondents returned unserved on the ground that no such persons are residing in the address given and wrong address was furnished.

4. On behalf of respondents 1 and 2 in the contempt case, Sri A.Ashok Kumar filed counter affidavit. According to the averments made in paragraph No.5 of the counter affidavit, Mohammed Mushtaq and Quamerunnisa Begum have obtained permission

from the Municipal Corporation on 24.12.2016 and are undertaking construction. It is their categorical assertion that they have not allowed any illegal constructions. These two persons whose names are mentioned in paragraph No.5 of the counter are not parties to the writ petition and to the W.P.M.P.

5. The said stand of the respondents is not contraverted.

6. Having regard to the stand of respondents 1 and 2 in the counter, it cannot be said that the respondents have violated the directions issued warranting initiation of contempt proceedings. If it is the case of the petitioner that some other persons have undertaken construction violating the directions of this Court and without building permission, it is open to the petitioner to take appropriate steps, as warranted by law.

7. Accordingly, the Contempt case is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

P.NAVEEN RAO,J

5th December 2017
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