

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 1035 of 2017

ORDER:

The Contempt Case is filed complaining non-compliance of the order of this Court in W.P.No.3358 of 2017 dated 06.02.2017.

By order dated 06.02.2017, this Court disposed of the Writ Petition with the following directions:

“Having regard to the facts and circumstances and the submissions of the learned counsel, the writ petition is disposed of at the stage of admission directing the respondent Nos.1 and 2 to cause verification of the permission said to have been obtained by the unofficial respondents 3 and 4 and if the construction on the subject property is going on in accordance with the said permission, there shall not be any interference. In case, the construction whether temporary or permanent, is being made without any sanctioned plan, appropriate action in accordance with law shall be taken.”

Counter affidavit has been filed by respondent No.2 stating as follows:

“It is submitted that on receipt of the said order, the respondents’ corporation has verified its record and did not find any permission for the construction undertaken by respondent Nos.3 and 4 in the writ petition. In the meanwhile, the respondent - corporation has received a notice dated 27.02.2017 from the petitioner’s counsel. Hence, the respondents’ corporation has proceeded with further course of action and has issued a 2nd notice u/s 452(2) of HMC Act, 1955 dated 03.03.2017. The respondent No.4 in WP on receipt of the above 2nd notice, instead of removing the structures has approached the Hon’ble I Junior Civil Judge, City Civil Court, Secunderabad by filing I.A.No.166 of 2017 in O.S.No.134 of 2017 and obtained interim status quo orders against the respondents corporation.

In as much as pursuant to the orders of this Court, notices have been issued by the respondent - Corporation and are taking necessary steps with respect to the alleged constructions that are being made by respondent Nos.3 and 4 in the writ petition, the order has been substantially complied with. The inability on the part of the respondent – Corporation to proceed further being only on account of injunction order alleged to have been obtained by respondent No.4 in the writ petition, liberty is given to the petitioner to implead himself in O.S.No.134 of 2017 on the file of I Junior Civil Judge, City Civil Court, Secunderabad, and oppose injunction order. It is also made clear that there is equal responsibility on the part of respondent – Corporation to take necessary steps to get the injunction order vacated in the suit atleast within a period of two months.

Subject to the above observations, the contempt case is closed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 30.06.2017

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