

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.443 OF 2017

Dated:01.11.2017

Between:

Kotla Neeraja, W/o. Kotla Neelakanteswar
Reddy, aged about 54 years, Occ: Business,
R/o.H.No.18-145/S-2, Kamalanagar,
Chaitanyapuri, Hyderabad

.. Petitioner

And

Sir B. Vijaya Kumar, Deputy
Commissioner, Greater Hyderabad
Municipal Corporation, Circle – 13,
Hyderabad and another

.. Respondents



The Court made the following:

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ORDER:

None appeared for the petitioner. Heard learned Standing Counsel for the Greater Hyderabad Municipal Corporation (GHMC) appearing for respondent No.1 and Sri D Madhava Rao, learned counsel appearing for respondent Nos.2 and 3.

2. By order dated 04.01.2017, this Court passed orders in W.P.M.P.No.57800 of 2016 in W.P.No.46915 of 2016 directing the 4th respondent (Smt. T. Akshada) not to make any further construction and the Deputy Commissioner, GHMC, the 3rd respondent, was directed to ensure that the 4th respondent should not make any further construction in the subject property. Alleging that in spite of the interim orders granted by this Court, further construction was made by Smt. T Akshada and the 3rd respondent has not enforced the order passed by this Court, this Contempt Case is filed.

3. Separate counter affidavits are filed by respondent Nos.1 and 2.

4. According to the 2nd respondent, she is no way concerned with the subject property on which illegal construction was made; she was wrongly arrayed as respondent and the constructions were made by a person, by name, Smt. R. Pushpa. Having regard to the statements of the 1st and 2nd respondents in their counter affidavits, Smt. R. Pushpa is impleaded as 3rd respondent. In the counter affidavit filed on behalf of the 3rd respondent

(Smt. R. Pushpa), she asserts that she was not aware of the interim order passed by this Court; copy of the said order was never served on her and therefore there cannot be any allegation of disobedience of the order of this Court as she has no knowledge of filing of the Writ Petition and passing of the orders and for the first time, she came to know that order was passed by the Court when she received notice in Contempt Case. She also states that the GHMC has demolished the structure constructed by her.

5. In paragraph Nos. 4 and 5 of the counter affidavit filed on behalf of the 1st respondent, it is stated that on inspection of the site, the Corporation found that Smt. R. Pushpa undertook construction illegally and the same was already demolished.

6. Having regard to these submissions, it cannot be said that there was deliberate and willful violation of the order passed by this Court warranting interference.

7. The Contempt Case is accordingly closed.

P. NAVEEN RAO, J

Date:01.11.2017

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