

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.402 OF 2017

Date: 01.11.2017

Between :

K.Kamalhasan Gandhi S/o late K.Gandhi,
Aged about 37 years, Occu: Employee,
R/o. Flat No.301, Sushant Estate,
Ushamullapudi Road, Near South India
Shopping Mall, Opp: KPHB, Hyderabad.

.... Petitioner

And

Sri T.Chiranjeevulu S/o. not known to petitioner,
Metropolitan Commissioner, HMDA, Tarnaka,
Hyderabad and two others.

.... Respondents



This Court made the following :

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ORDER:

Petitioner filed W.P.No.41986 of 2016 alleging inaction by the unofficial respondents to remove the unauthorized constructions in plot nos.436/part and 437/part, admeasuring 400 square yards in Sy.Nos.10, 18, 27 and 29 of Bandari Layout in Nizampet village and Gram Panchayat, Qutubullapur Mandal, Ranga Reddy District and sought for consequential direction to remove the unauthorized constructions made by the 6th respondent in the above described property. Petitioner also filed W.P.M.P.No.51760 of 2016 seeking direction to respondents 1 to 5 to prevent further construction in the above described property.

2. This Court, by order dated 05.12.2016, recording the statement of the Executive Officer, Gram Panchayat, that no building permission was granted to Kolanu Vella Reddy (6th respondent in the writ petition), direction was issued to 6th respondent not to undertake any further construction in the subject premises until further orders. Further direction was issued to respondents 3 and 5 to ensure that no further construction should take place by the 6th respondent in the subject premises.

3. Alleging that 6th respondent was undertaking further construction and there is deliberate inaction by respondents 3 and 5, this contempt case is filed.

4. Sri Kolanu Yella Reddy, arrayed as 3rd respondent herein filed counter-affidavit stating that he is no way concerned with the subject property and the alleged illegal and unauthorized construction therein. The deponent seeks to contend that some other person was undertaking

construction and that no construction is made by him in the subject property.

5. On behalf of Gram Panchayat counter affidavit is filed. It is stated in the counter-affidavit that Y.Raj Gopal Reddy is a developer undertaking building construction in land in Sy.No.28 belonging to Kolanu Deepika Reddy and Kartham Kishore Kumar, whereas the survey numbers mentioned in the interim order of this Court are, 10,18, 27 and 29. Learned standing counsel further submits that there is no approved layout and there is no identification of the plot numbers. In the counter-affidavit of T.Chiranjeevulu, 1st respondent herein, it is stated that he has taken every possible steps in preventing illegal constructions made by the 3rd respondent; that no further construction activities were taken up by the 3rd respondent and, therefore, there is no violation of the directions by the Metropolitan Commissioner.

6. Learned counsel for petitioner sought to contend that construction activity is going on in the same plot numbers, which are mentioned in the order of this Court and, therefore, there is clear violation of directions issued by this Court. Learned counsel disputes the statement of learned counsel for Gram Panchayat that construction is going on in the land in Sy.No.28, but not in the survey numbers mentioned in the interim order.

7. This Court is not inclined to enter into the issue on the alleged construction activity that is stated to be going on in Nizampet village. This Court is only concerned as to whether there is violation of directions issued by this Court.

8. The interim order dated 05.12.2016 made in W.P.M.P.No.51760 of 2016 in W.P.No.41986 of 2016 reads as under:

“The petitioner alleges unauthorized illegal construction of the 6th respondent in Plot Nos.436/part and 437/part admeasuring 400 square yards in Survey Nos.10, 18, 27 and 29, Bhandari Layout in Nizampet Village and Grampanchayat, Qutbullapur Mandal, Ranga Reddy District.

Learned standing counsel representing the 5th respondent, on instructions, submits that no building permission was granted to the 6th respondent.

Having regard to the said submission, the 6th respondent is directed not to undertake any further construction in the subject premises until further orders. The 3rd and 5th respondents are directed to ensure that no further construction shall take place by the 6th respondent in the subject premises.”

9. Suffice to note that the direction issued was to the 6th respondent i.e., Kolanu Vella Reddy, not to undertake any further construction in the plots mentioned in the interim order and further direction to 3rd and 5th respondents to ensure that no further construction should be made by the 6th respondent. Respondent no.6 in the writ petition, who is 3rd respondent herein, categorically asserts that he is not undertaking any construction. This assertion is not denied. Therefore, it cannot be said that there is violation of the directions issued by this Court, much less deliberate and wilful warranting initiation of the proceedings under the Contempt of Courts Act. Thus, leaving it open to the petitioner to work out his remedies or to bring to the notice of this Court in pending writ petition regarding any other construction activity in violation of law, contempt case is closed.

Miscellaneous petitions if any pending in the contempt case shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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