

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

CONTEMPT CASE NO.1800 OF 2016

DATED:23-02-2017

Between:

Dr. Mujeebunnisa Baig

... Petitioner

And

Dr. B. Janardhan Reddy
and others

... Respondents

COUNSEL FOR THE PETITIONER: Ms. Anin Dita S. Chander,
for Mr. K.V. Rusheek Reddy

COUNSEL FOR THE RESPONDENTS: Mr. Muddu Vijay



THE COURT MADE THE FOLLOWING:

ORDER:

This contempt case is filed alleging wilful disobedience of order dt.27.01.2016 in W.P. No.20169 of 2014.

By the aforementioned order, this Court has directed the Greater Hyderabad Municipal Corporation (GHMC) to issue a show cause notice to respondent Nos.5 and 6 for removal of the unauthorized structures, consider the representation, if any, made by them and to pass an appropriate order within two months from the date of receipt of the said order. Further, respondent No.6 was restrained from proceeding with any further construction till the said process was completed. Alleging that despite the said order respondent Nos.5 and 6 have been proceeding with the construction, the writ petitioner filed this contempt case.

On behalf of respondent Nos.5 and 6, respondent No.5 filed a counter affidavit wherein he has *inter alia* stated that in obedience to the order of this Court, respondent No.2 has issued a show cause notice dt.05.03.2016 under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 and that to the said notice they have given a reply on 15.03.2016. It is further averred that after disposal of the writ petition, respondent No.5 has made an application for regularization of the unauthorized constructions, as per G.O. Ms. No.152, dt.02.11.2015, and the said application is pending. The counter affidavit further averred that after disposal of the writ petition, the said respondents have not raised any fresh construction and that the photographs filed along with the contempt case pertain to the structures which were existing at the time of the disposal of the writ petition.

No reply affidavit is filed denying the averments in the counter affidavit.

The purport of the order of this Court was that the GHMC shall issue a fresh show cause notice to respondent Nos.5 and 6 and complete the process of consideration of their explanation and further action within two months, and till such process is completed respondent Nos.5 and 6 were restrained from raising any further construction. Evidently due to the fact that the application of respondent Nos.5 and 6 filed after disposal of the writ petition for regularization of the unauthorized constructions is pending, the GHMC does not appear to have finalized the proceedings initiated under the fresh show cause notice. However, if respondent Nos.5 and 6 have not undertaken fresh construction, the order in the writ petition cannot be said to be violated by any of the respondents. As noted above, except filing the photographs, no proof is adduced by the petitioner to show that respondent Nos.5 and 6 have raised further constructions. As noted hereinbefore, respondent No.5 in his counter affidavit has maintained that the photographs pertain to the period prior to the disposal of the writ petition and that they have not raised any further construction. In the absence of any evidence adduced by the petitioner that further structures were raised by respondent Nos.5 and 6 after the disposal of the writ petition, the said respondents cannot be held guilty of contempt of order of this Court.

The contempt case is therefore dismissed.

C.V. NAGARJUNA REDDY, J

23-02-2017

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