

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE No.247 OF 2016

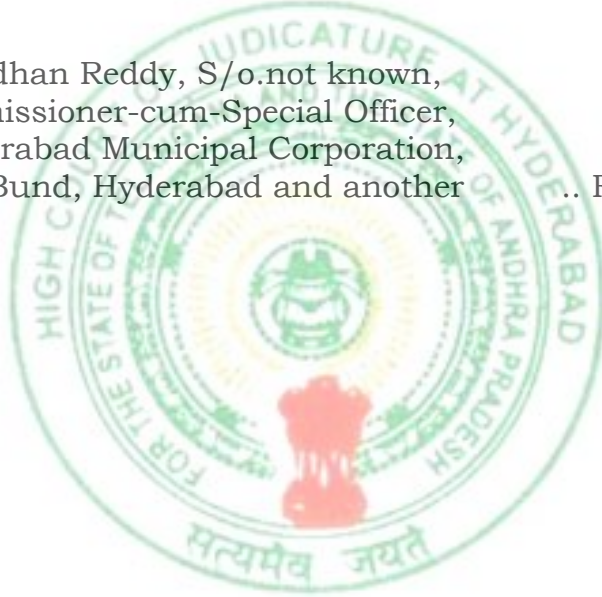
Dated:12.06.2017

Between:

Gandhi Nagar Colony Welfare
Association, a Society registered
Under the Societies Act, bearing
Regn.No.4447/1994, Gandhi Nagar,
Ramanthapur, Hyderabad – 13, rep.,
By its President Sri P. Gangadhar,
S/o.Kashaiah, aged 43 years,
Occ: Business, R./o.3-17-56/3/A,
Gandhi Nagar, Street No.3,
Ramanthapur, Hyderabad and another .. Petitioners

And

Dr. B. Janardhan Reddy, S/o.not known,
Major, Commissioner-cum-Special Officer,
Greater Hyderabad Municipal Corporation,
Lower Tank Bund, Hyderabad and another ... Respondents



The Court made the following:

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ORDER:

On 07.09.2015, this Court passed the following order.

“At request of the learned standing counsel, post next week for obtaining instructions in the motion list.

Print the name of Sri P. Krishna Reddy, learned standing counsel for the 2nd respondent.

Till then, there shall be interim suspension as prayed for.”

2. Alleging violation of the said order, this Contempt Case is filed.

3. In the counter affidavit filed on behalf of the 2nd respondent, it is stated that the order passed on 07.09.2015 was for a limited period and was not extended subsequently. Learned counsel for the 2nd respondent submits that on 02.08.2016 counter affidavit was filed and on 29.09.2015 case was adjourned by one week and on 29.10.2015 it was again adjourned by four weeks. He submits that neither on 29.09.2015 nor 29.10.2015, extension of the interim order was granted by the Court and he therefore submits that the interim order is subsisting. He further submits that even by the time interim order was granted, installation of cell tower was commenced.

4. In response, learned counsel for the petitioner, by placing reliance on the order passed by the learned Single Judge of this Court in W.P.No.24052 of 2016, dated 03.08.2016, contends that it is not necessary that interim order should be extended and once interim order is passed, it is deemed to be continued until the orders are vacated. He further submits that the orders passed by this Court were not limited for any particular date.

5. A bare perusal of the order passed by this Court on 07.09.2015 would show that while granting adjournment at the request of learned Standing Counsel, the Court granted interim suspension till then and the said interim order was not subsequently extended. The general directions issued by this Court in W.P.No.24052 of 2016 cannot come to the rescue of the petitioners. This Court held that if an interim order is passed for a limited period with a direction to list the case on a particular date or after a particular period, but when the case is not listed, it is deemed that the said order shall continue to be in operation till the case is listed and taken up for hearing and a specific order vacating the interim order is passed by the Court.

6. In the instant case, as stated by learned counsel for the 2nd respondent, it is not disputed by learned counsel for the petitioners that the case was listed on 29.09.2015 and was adjourned by one week. On that day, interim order was not extended. Thereafter, case was taken up on 29.10.2015 and was again adjourned by four weeks.

7. Having regard to the same, it cannot be said that there is deliberate and willful violation of the directions issued by this Court warranting interference by this Court.

8. The Contempt Case is accordingly closed.

Miscellaneous Petitions, if any, pending in this Contempt Case shall stand closed.

P. NAVEEN RAO, J

Date:12.06.2017

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