

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2508 OF 2015

DATED : 01.11.2017

Between :

Indra Prastha Colony Residents Welfare Association,
Regd. No.3041, rep., by its President R.Appa Rao,
S/o.Seetha Rama Rao, Aged about 70 yrs,
R/o.Indra Prastha Colony, Hasthinapuram,
Ranga Reddy District & another.

.. Petitioners

And

Smt.S.Pankaja,
The Dy.Commissioner,
Greater Hyderabad Municipal Corporation,
L.B.Nagar Circle, Hyderabad

... Respondent



This court made the following :

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ORDER :

The petitioners grievance in W.P.No.19630 of 2015 is not constructing community hall by the Municipal Corporation for the convenience of the members of the first petitioner-Association in the residential lay out, even though funds are made available by the Member of Parliament. This Court, by order dated 01.07.2015 directed the Zonal Commissioner to take consequential steps in pursuant to the letter of the Chief Planning Officer dated 10.12.2014, requesting to utilize the funds sanctioned under MPLADS. Alleging inaction on the said direction of this Court, this contempt is filed.

2. In the counter affidavit deposited by Smt.S.Pankaja, working as Deputy Commissioner, it is stated that as per G.O.Ms.No.72 dated 20.02.2002 the land reserved for public purpose namely playground/park in the sanctioned lay out can not be allowed to be used for any other purpose including construction of community hall. In the subject layout 3968 Square yards i.e., 10% of the layout area was left as open space. In addition 1828.50 Square yards is shown as amenities area. The said open space vests in the Municipal Corporation, but no construction other than treating it as a playground or park can be made. The area earmarked for amenities vests in the developer and therefore, unless the developer consents, no construction can be made.

3. Earlier the matter underwent adjournments to enable the members of the petitioner-Association to identify the place where such construction can be made. It appears so far, the place is not identified.

4. As seen from the order passed by this Court and the stand of the respondent in the counter affidavit, it cannot be said that there is deliberate and wilful violation of the directions issued, warranting proceeding further against the respondent.

5. Thus, leaving it open to the petitioners to identify the place where the community hall can be constructed, the Contempt Case is closed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this contempt case shall stand closed.

1st November 2017
Rds

P.NAVEEN RAO,J

