

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.2146 OF 2017

DATED : 29.12.2017

Between :

G.Rangaiah S/o.G.Rajaiah,
Aged about 59 yrs, Occu : Govt. Employee,
R/o.H.No.18-7-520, Kandikal Gate,
Falaknuma, Hyderabad

.. Petitioner

And

Sri Janardhan Reddy S/o.Not known to the petitioner,
The Commissioner, GHMC, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

In W.P.M.P.No.47282 of 2016 in W.P.No.38370 of 2016, this Court passed the following order :

“The petitioner alleges inaction on the part of respondents 2 to 5 in taking action on the complaints submitted by him on 29.03.2016 and 02.09.2016 against the illegal and unauthorized construction made by the 6th respondent.

Learned Standing Counsel for Greater Hyderabad Municipal Corporation appearing for respondents 2 to 5, on instructions, would submit that a portion of the property of the 6th respondent was acquired for the purpose of widening of the road and his building to an extent was demolished.

In terms thereof, the owner of the property is entitled to undertake construction with the relaxed standards of the building conditions and the 6th respondent is entitled to undertake construction accordingly.

In view of the said submission, no further orders are required to be passed in this petition.

The petition is accordingly dismissed.”

2. Alleging that a wrong statement is made before this Court and that the 6th respondent in the writ petition is undertaking illegal construction, this contempt case is filed.

3. In para 6 of the affidavit deposed by Sri P. Ravinder Kumar, Deputy Commissioner, C-7, Santosh Nagar, GHMC, it is stated that having noticed that 6th respondent in the writ petition undertook illegal construction and encroached into the road to an extent of 3 ½ feet, the same was demolished. Along with the affidavit photographs were also enclosed in proof of demolition.

4. Learned counsel for the petitioner contends that a wrong statement was made before this Court and fact that illegal

construction was removed in November, 2017 itself would show that as alleged illegal construction was carried on by the 6th respondent in the writ petition and the respondent-authorities are liable to be punished under the Contempt of Courts Act, for making a wrong statement.

5. From the averments of Sri P. Ravinder Kumar in his affidavit at Paragraph No 6, it is clear that at the time of passing of order in W.P.M.P., the Court was informed that a portion of the property of 6th respondent was acquired for the purpose of widening of road and his building to that extent was demolished as per the policy of Municipal Corporation and if the property is acquired, the owner of property can be granted relaxed set backs for construction of building and 6th respondent in the writ petition is entitled to undertake construction accordingly.

6. In Paragraph No.6 it is also stated that having noticed encroachment of land by the 6th respondent which was already acquired, coercive action was taken against him.

7. On a careful reading of the order and the statement, it is clear that there is no wrong statement made earlier. It was not stated before this Court that the 6th respondent has not encroached into the land acquired and making construction. Thus, it cannot be said that wrong statement was made and the same was the basis for this Court to dismiss the W.P.M.P., to hold the respondents guilty of contempt.

8. Accordingly, the respondents are discharged from the contempt proceedings and 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.

29th December, 2017
Rds

P.NAVEEN RAO,J

