

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Contempt Case No.763 of 2018

Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This Contempt Case is filed alleging willful and deliberate violation of the order passed by us in W. A. No. 529 of 2017 dated 24.4.2017. By the said order, we had permitted the learned counsel for the appellant (petitioner herein) to take out notice on Respondent No.7 by Registered Post with Acknowledgment due, and to file proof of service within four weeks. The appearance of the learned Government Pleader for Revenue for respondent Nos. 1 to 3, Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC for respondent Nos. 4 and 5 and the learned Government Pleader for Home for respondent No.6 was noted. We had, thereafter, taken note of the submission of Sri Sampath Prabhakar Reddy, learned Standing Counsel for GHMC, that the 7th respondent did not submit an application to the GHMC for grant of permission for construction of building; and the GHMC intends to take action against him in accordance with law. After taking note of this fact, and as all of them had sought four weeks time to file counter-affidavits, we had directed that the matter be posted on 5.6.2017.

No directions were issued by us, which can be said to have been violated much less wilfully and deliberately, justifying invocation of our contempt jurisdiction. All that we had noted, in the order in W.A. No. 529 of 2017 dated 24.4.2017, is the submission of Sri Sampath Prabhakar Reddy, learned Standing

Counsel for GHMC, that the GHMC intended to take action against the 7th respondent in accordance with law.

The jurisdiction under the Contempt of Courts Act can be invoked only if an order of this Court is violated, and that too willfully and deliberately. In the absence of any order being passed by this Court, the question of the respondents violating a non-existent order, much less willfully and deliberately does not arise.

The Contempt Case as filed is wholly mis-conceived, and is, accordingly, dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

8th June, 2018

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Date: 8.6.2018

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