

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CC.No.975 of 2018

Date:28.09.2018

Between.

K.Bhavani Swamy,

D/o Late Dr. K.Satyanarayna Swamy

.....Petitioner

And.

B.Janardhan Reddy

and two others.

.....Respondents

Counsel for the petitioner: Mr. K.Ravinder Reddy

Counsel for respondent Nos.1 & 2: Mr. L.Venkateswara Rao

Counsel for respondent No.3: Mr. Kowturu Pavan Kumar

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Contempt Case is filed alleging willful disobedience of order, dated 04.01.2016, in Writ Petition No.42356 of 2015.

By the afore-mentioned order, this Court has directed the official respondents to take further steps in pursuance of the notice issued under Section-461 of the Greater Hyderabad Municipal Corporation Act, 1955 (for short 'the Act') if respondent No.3 has been raising illegal construction. Alleging apathy on the part of respondent Nos.1 and 2 in implementing the above-mentioned order of this Court, the petitioner filed this Contempt Case.

Separate counter-affidavits have been filed on behalf of respondent Nos.1 & 2 and by respondent No.3.

It is averred in both the counter-affidavits that when action for removal of the structures was initiated by the Greater Hyderabad Municipal Corporation, respondent No.3 filed Writ Petition No.11987 of 2016 and this Court while entertaining the said Writ Petition has passed an order observing that pendency of the said Writ Petition will not preclude respondent No.3 from filing an application for grant of building permission and that, accordingly, an application for building permission was filed, and on 18.11.2017, building permission was granted to

respondent No.3. In the counter-affidavit filed by respondent No.2, it is specifically averred that his inspection of the construction revealed that respondent No.3 has been raising the construction strictly in accordance with the sanctioned plan.

Mr. K.Ravinder Reddy, learned counsel for the petitioner, has disputed the afore-mentioned averment in the counter-affidavit of respondent No.2 and stated that respondent No.3 has been raising the construction without leaving any setback.

The question whether respondent No.3 is raising construction contrary to the sanctioned plan or not, does not fall within the scope of the present Contempt Case.

Inasmuch as respondent No.3 has been allegedly raising the construction as per the sanctioned plan, the respondents cannot be proceeded with in contempt for the alleged violation of order, dated 04.01.2016 in Writ Petition No.42356 of 2015. If respondent No.3 is raising construction in violation of the sanctioned plan, the petitioner shall be free to avail appropriate legal remedies available to her in law.

Subject to the liberty given to the petitioner as above, the Contempt Case is dismissed.

JUSTICE C.V.NAGARJUNA REDDY

28th September, 2018
DR

