

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE No.144 of 2016

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P. No.8359 of 2014 dated 17.04.2014.

In the said order, this Court noted the submission of the Learned Standing Counsel for GHMC that the building was constructed by the 7th respondent suppressing facts, and misrepresenting facts before the Learned Junior Civil Judge that he was only undertaking repairs, and not raising a new construction. This Court had, thereafter, observed that the order passed by it would not preclude the GHMC from taking steps to have the order of *status quo*, passed by the Learned VI Junior Civil Judge, City Civil Court, Hyderabad, vacated; and, thereafter, to take action against the 7th respondent, for their illegal and unauthorised construction, in accordance with law. This Court had also observed that it had no reason to doubt that, on an application being made by the GHMC to have the interim order vacated, the Learned VI Junior Civil Judge would consider the said application, in accordance with law, with utmost expedition.

The present Contempt Case is filed alleging that, though the suit in O.S. No.2504 of 2013 was dismissed on 31.08.2015, the GHMC has not taken any action to demolish the subject illegal structure.

As noted hereinabove, no direction was issued by this Court, to the GHMC to demolish the unauthorised construction, in view of

the fact that the order of *status quo*, passed by the VI Junior Civil Judge, was subsisting. All that this Court had observed was that the order passed by it, while disposing of the Writ Petition, did not disable the GHMC from taking steps to have the order of *status quo* vacated; and, thereafter, from taking action in accordance with law. Such observations would not amount to a direction necessitating action being taken against the respondents under the Contempt of Courts Act, nor can the respondent-GHMC be subjected, thereby, to the rigor of contempt.

Even otherwise, in the counter-affidavit filed on behalf of respondents 1 to 4, it is stated that, after dismissal of the Suit, a notice was issued under Section 636 of the GHMC Act on 23.09.2016; the 5th respondent had submitted a letter dated 27.09.2016 enclosing an application for building regularisation; he had, thereafter, filed a suit in O.S. No.2408 of 2016 on the file of the VI Junior Civil Judge, City Civil Court, Hyderabad, and had obtained an order of *status quo* in I.A. No.647 of 2016; and the officials were taking steps to have the said order vacated.

In the light of the submission in the counter-affidavit, and since the GHMC is now disabled from taking steps to demolish the unauthorised construction, in view of the order of *status quo* passed in O.S. No.2408 of 2016, I see no reason to proceed against the respondents under the Contempt of Courts Act. Suffice it to make it clear that this order shall not disable either the petitioner or the GHMC from taking steps to have the order passed by the Civil Court vacated.

The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed. No costs.

RAMESH RANGANATHAN, J

Date: 10.08.2018
MRKR

