

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

Suo Motu CONTEMPT CASE No.1049 of 2018

ORDER:

The petitioner applied for layout in respect of the subject land, which was tentatively approved by the Greater Hyderabad Municipal Corporation on 12-10-1990, but the final layout approval was not being granted on the pretext that the Revenue Officials had addressed certain letters not to issue final layout approval. In particular, a letter dt.02-08-2011 was addressed by the District Collector to the Tahsildar to also erect Government sign boards in the subject land.

2. This was questioned in W.P.No.8050 of 2012. The said Writ Petition was allowed on 03-04-2017 and the said letter of the District Collector addressed to the Tahsildar insofar as it directed the Tahsildar to erect Government sign boards was declared as illegal and arbitrary, and the Revenue Officials as well as Greater Hyderabad Municipal Corporation were directed not to interfere with the possession and enjoyment of over petitioner over the subject property without following due process of law.

3. In the meantime, the Tahsildar addressed another letter dt.28-10-2014 to the Greater Hyderabad Municipal Corporation not to issue final approval to the revised layout to the petitioner.

4. This was being challenged by the petitioner in W.P.No.20785 of 2015 and the said Writ Petition was disposed of on 29-07-2016 stating

that the said letter issued by the Tahsildar not being traceable to any statute, the Tahsildar cannot direct the Greater Hyderabad Municipal Corporation not to grant permission to revised final layout submitted by the petitioner and the Greater Hyderabad Municipal Corporation can treat it as an objection while considering granting final approval to the petitioner.

5. After this order was passed, a proceeding dt.30-12-2016 was issued by the 2nd respondent in the Contempt Case stating that it was not possible to consider petitioner's request for grant of final layout to the petitioner until the S.A.No.596 of 2011 and W.P.No.8050 of 2012, which were pending, are decided.

6. Even after W.P.No.8050 of 2012 was allowed on 03-04-2017, nothing was done by the 2nd respondent to withdraw this order dt.30-12-2016, wherein pendency of S.A.No.596 of 2011 was also taken into account while passing final orders.

7. Therefore, *suo motu* contempt of Court proceedings were initiated for not withdrawing proceedings dt.30-12-2016 and retaining them till the petitioner filed W.P.No.11378 of 2018 in spite of this Court's orders on 29-07-2016 in W.P.No.20785 of 2016 and order dt.03-04-2017 in W.P.No.8050 of 2012.

8. The 2nd respondent has appeared through counsel and has now produced material stating that the proceedings dt.30-12-2016 has since been withdrawn on 21-04-2018/14-05-2018 and process of

considering petitioner's application for grant of final layout is being undertaken. He also tendered unconditional apology for his failure to withholding the order dt.30-12-2016 after W.P.No.8050 of 2012 was allowed on 03-04-2017.

9. In these facts and circumstances, the apology given by the 2nd respondent is accepted with a warning that he shall not repeat such conduct of violating the Court orders in future.

10. The Contempt Case is accordingly closed. No costs.

11. As a sequel, miscellaneous applications pending, if any, shall stand closed.

Date: 13-07-2018
Vsv

JUSTICE M.S.RAMACHANDRA RAO

