

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1858 of 2014

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in W.P.No.9537 of 2014 dated 15.04.2014 whereby the respondent herein was directed to consider the petitioners' application for building permission, in accordance with law, taking into consideration the fact that the petitioners were ready and willing to set apart 10 feet of land for the road proposed to be widened from 30 feet to 40 feet, in addition to the set back areas; and the entire exercise culminating in an order being passed and communicated to the petitioners shall be completed by 15.05.2014.

An order was passed on 09.09.2014 rejecting the petitioners' application for grant of building permission on the following grounds:

- (i) The required minimum 9.00mtr/30' is not available in front of the site under reference and as well as approach road to the site which amount to violation under rule 4(tableII-B1) in terms of G.O.Ms.No.168 MA, Dt:07.04.2012.
- (ii) The required all around open space are in violation in terms of G.O.Ms.No.168 MA, Dt:07.04.2012.
- (iii) The ventilation for habitable rooms i.e living/dining is more than 7.50mtr. (length) of permissible limits amounts to violation.
- (iv) The NOC from AAI is not submitted as it falls in the airport vicinity.
- (v) Not submitted registered agreement between the owner and building as per G.O.Ms.No.168 MA, dt: 07.04.2012.
- (vi) The proposals (boundaries) are not tallying with approved subdivision plan issued by GHMC.

While the order of this Court has, no doubt, been complied with, there is a delay in its compliance. The Commissioner, GHMC, in his affidavit dated 01.8.2018, has tendered his unconditional apology for the

belated compliance. We see no reason, therefore, to proceed against the respondent herein under the Contempt of Courts Act.

The Contempt Case is, accordingly, closed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(RAMESH RANGANATHAN, J)

10th August, 2018
JSU



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Date: 10.08.2018

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