

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Contempt Case No.1313 of 2016

Date: 23.02.2018

Between:

P.Lakshmana Rao and 4 others

.. Petitioners

and

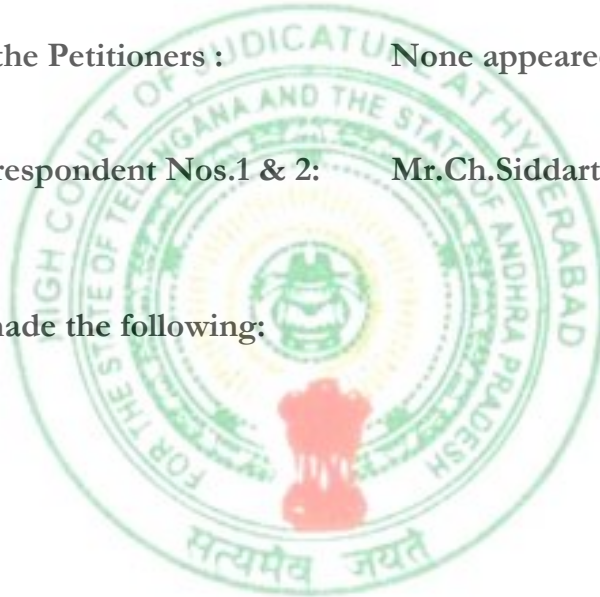
Janardhan Reddy and 2 others

.. Respondents

Counsel for the Petitioners : None appeared

Counsel for respondent Nos.1 & 2: Mr.Ch.Siddartha Sarma

The Court made the following:



Order :

This Contempt Case is filed alleging willful disobedience of Order, dated 08-12-2015, in WP.No.39795 of 2015, by the respondents.

By the afore-mentioned order, this Court gave the following direction:

“Respondent No.1 and 2 shall prevent respondent No.3 from raising any further construction either without the sanctioned plan or in deviation of the sanctioned plan, if any.”

Respondent No.2 filed a counter-affidavit wherein he has *inter alia* stated as under:

“I submit that in compliance with the orders of the Hon’ble High Court in WP.No.39795/2015 dt: 08/12/2014, the Respondents Corporation has issued a letter dated 21-12-2015 to the Respondent No.3 herein informing about the order dt.08-12-2015 passed by this Hon’ble Court and to comply with the above said Hon’ble High Court order and not to proceed with any type of work in the premises bearing No. 3-6-450 situated at Himayath Nagar, Hyderabad until further orders of the Hon’ble High Court in WP. No. 39795/ 2015 filed by petitioners herein, failing which necessary action will be taken by following due process of law under the Provisions of HMC Act, 1955. Thereafter, the Respondent No.3 herein has stopped the further construction work.”

To substantiate the averments in Para 8 as extracted above, respondent No.3 has filed a copy of notice, dated 14.12.2015, issued under Sections 452 (1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955.

Neither a reply-affidavit is filed nor the Counsel for the petitioners is present at the hearing. As the averments in the counter-affidavit referred to above, to the effect that respondent No.3 has not undertaken any further construction after the interim order was passed by this Court, remained uncontroverted, the petitioners failed to prove that the respondents have committed any violation of the interim order of this Court. Hence, the Contempt Case is dismissed with costs of Rs.10,000/- in favour of the Greater Hyderabad Municipal Corporation (GHMC).

As a sequel to dismissal of the Contempt Case, Application No.663 of 2016, filed by the petitioners for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 23rd February, 2018
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