

THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.47 OF 2017

ORDER:

This contempt case was instituted alleging willful disobedience to the order dated 25.02.2016 passed in W.P.No.6080 of 2016. By the said order, the authorities of the Greater Hyderabad Municipal Corporation were directed to take appropriate action upon the writ petitioner's representations dated 01.07.2015, 05.10.2015 and 22.01.2016 in relation to the alleged unlawful construction being made by the fifth respondent in the said writ petition. This action was to be taken following the due procedure by giving an opportunity of hearing to all parties concerned.

The Assistant City Planner, Greater Hyderabad Municipal Corporation, filed a counter-affidavit stating that when an enquiry was initiated on the strength of the aforesaid order, the fifth respondent in the writ petition brought it to the notice of the municipal authorities that he had sought regularization of his unauthorized construction under the Building Regularization Scheme of the Government notified in G.O.Ms.No.152, Municipal Administration Department, dated 02.11.2015. The Assistant City Planner further stated that the validity of this Government Order was subjected to challenge in PIL No.361 of 2015, which was thereafter withdrawn, but is now presently under scrutiny in PIL No.63 of 2016. As per the order passed in the later Public Interest Litigation, the municipal authorities were required to verify the applications received under the impugned Government Order and only such applications that were found to be in order were to be kept the same pending.

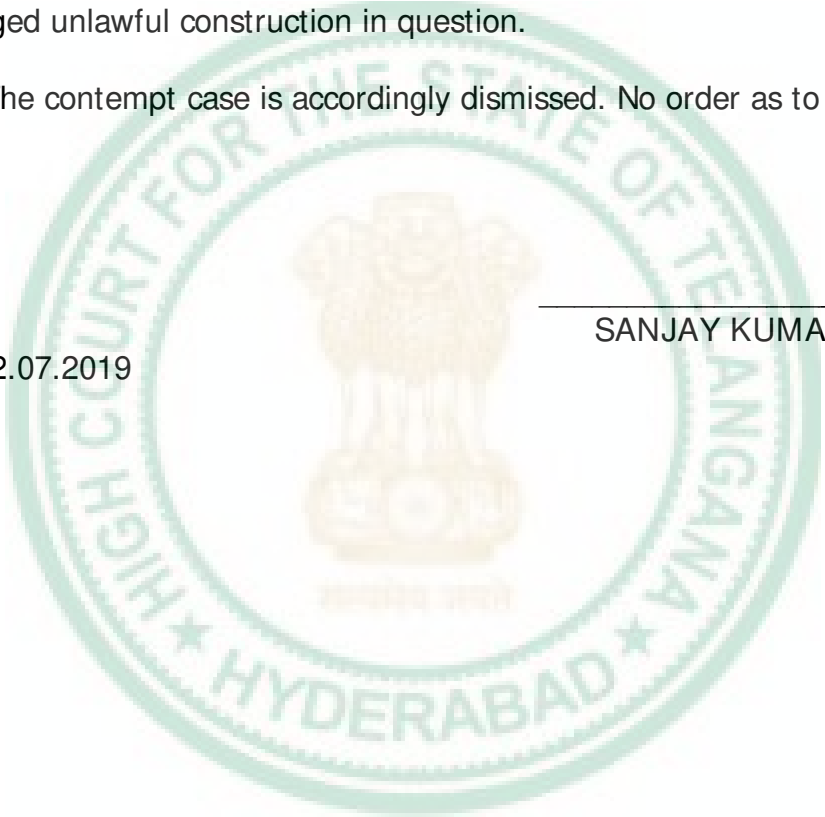
Sri L.Venkateshwar Rao, learned counsel for the respondent municipal authorities, would inform this Court that the application submitted by the fifth respondent in the writ petition was found to be in order and in the light of the bar postulated in PIL No.63 of 2016, the municipal authorities necessarily have to await the final decision therein, before processing the said application.

In the light of the aforestated facts, this Court is of the opinion that no disobedience, much less wilful disobedience, can be attributed to the municipal authorities upon the petitioner's representations in relation to the alleged unlawful construction in question.

The contempt case is accordingly dismissed. No order as to costs.

Date: 12.07.2019

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SANJAY KUMAR, J