

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No. 2881 of 2018

ORDER:

This Contempt Case is filed alleging non-compliance of the interim order dated 25.10.2016 passed by this Court in Writ Petition No.36021 of 2016.

In the aforesaid writ petition, it is the specific assertion of the petitioner that he is the owner of plot Nos.260 and 261 of Survey No.111 situated at Bagh Hayatnagar (Hayatnagar Bhaghat), Hayatnagar Taluk, Ranga Reddy District and came to be acquired the same through registered sale deed dated 15.12.1984. It is his grievance that the respondent authorities are constructing a compound wall around his property. Thereupon, by the aforesaid interim order, this Court directed the respondents not to interfere with the possession of the petitioner over the subject property.

In the present case, a counter-affidavit is filed by the respondents setting out the details of according administrative sanction on 06.02.2014 for construction of compound wall for open spaces at Shivam Hills in Ward No.10, Hayathnagar, calling for e-tenders on 10.02.2014, approving the lowest tender and issuing work order on 03.03.2014 and completing the work by

16.10.2016. In paragraph No.9 of the said affidavit, it is stated as under:

“In this connection, it is to submit that after passing of this Hon’ble Court order on 25.10.2016, the GHMC has not taken up any construction work at open space of Plot Nos.260 & 261 at Shivam Hills Colony and not interfered with the possession of the petitioner’s property in plot Nos.260 & 261 in Survey No.111 of Bagh Hayathnagar (Hayathnagar Bhaghat), Hayath Nagar, Ranga Reddy District.”

From the aforesaid counter-affidavit, it is evident that construction of compound wall was completed by 16.10.2016 i.e., by the date of filing of the writ petition and by the date of passing of the aforesaid interim order. Even in the affidavit filed in support of this Contempt Case, there is no specific allegation that the compound wall is being constructed now. The main allegation of the petitioner is that he is being prevented by the respondents from enjoying the subject property.

Learned counsel appearing for the respondents categorically submits that there is no interference by the respondents with regard to the possession of the petitioner over the subject property.

In the light of the above, by making it clear that the respondents shall not interfere with the possession and enjoyment

of the petitioner over the subject property and shall ensure the petitioner's enjoyment over the subject property in letter and spirit, the Contempt Case is closed. It is made clear that closure of the Contempt Case shall not be construed as expressing any opinion with respect to the merits of the writ petition.

Miscellaneous petitions, if any pending, shall also stand closed.

26th JULY, 2019.

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CHALLA KODANDA RAM, J

