

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE No.906 OF 2019

DATED : 07.02.2020

Between :

Sambaraju Kiran Kumar S/o.S.Gopal Kishan Rao,
Hindu, Aged about 39 yrs, Occu : Private Employee,
R/o.H.No.16-2-742/G, Revenue Board Colony,
Near Mothers Dairy, Gaddiannaram,
Dilsukhnagar, Hyderabad 500 036

..... Petitioner

And

Greater Hyderabad Municipal Corporation,
Rep., by its Commissioner, Tank Bund Road,
Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER :

W.P.No.4242 of 2019 was disposed of, on 01.03.2019 following the directions issued in W.P.No.9035 of 2017 extracted in paragraph No.3 of the order.

2. From a reading of this paragraph, it appears that direction was issued in W.P.No.9035 of 2017 to consider the application of petitioner for grant of building permission on the subject land within a period of eight weeks from the date of receipt of copy of the order, subject to satisfying requirement of Section 428 of the Greater Hyderabad Municipal Corporation Act, 1955 and also giving an undertaking that the petitioner shall not claim equities or costs of the building construction in the event LGC has been decided against him, without reference to the letter dated 31.10.2013 of the Zonal Commissioner. Alleging that inspite of such direction and inspite of complying with the requirements, the building permission was not granted, this contempt case is filed.

3. In the counter affidavit deposed by Sri R. Sreenivasa Rao, working as City Planner, Serlingampally Zone, it is averred that after the interim orders, the building permission application was processed and as the competent authority has noticed certain shortfalls, petitioner was informed of the same, vide letter dated 19.03.2019, to comply with the said shortfalls and in the meantime, W.P.No.8648 of 2019 was filed by the petitioners therein to consider their representations. I.A.No.3 of 2019 in W.P.No.8648 of 2019 was filed opposing grant of building

permission on land in Sy.No.44/1 of Miyapur Village, Serlingampally, Ranga Reddy District and reliance was placed on an injunction granted by the I Additional District Judge, Ranga Reddy, L.B.Nagar, in O.S.No.38 of 1993. This Court by order dated 25.04.2019 made in I.A.No.3 of 2019 in W.P.No.8648 of 2019 ordered the I.A., not to grant building permission on land in Sy.No.44/1 of Miyapur Village. He therefore, asserted that in view of the said interim order, building permission cannot be granted to the petitioner.

4. Learned counsel for the petitioner sought to contend that even though the application is not processed by referring the interim order passed by this Court in another writ petition, but after the said interim order, building permission was granted on 03.05.2019 to another person. Therefore not granting building permission to petitioner would amount to arbitrary exercise of power.

5. Granting of building permission subsequent to interim order passed by this Court in I.A.No.3 of 2019 in W.P.No.8648 of 2019 to some other person, is the matter for consideration in the said writ petition. The fact remains that subsequent to the orders of this Court, there is an order directing not to grant building permission in another writ petition. Therefore, respondents cannot be held to have committed contempt of orders of this Court, when some other order is subsisting on the same issue and their action would not amount to deliberate and willful disobedience, warranting initiation of contempt proceedings.

6. Contempt Case is accordingly closed, leaving it open to the petitioner to work out his remedies, as available in law. Pending miscellaneous petitions, if any, shall stand closed.

7th February, 2020
Rds

P.NAVEEN RAO,J

