

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

CONTEMPT CASE NO: 1217 OF 2019

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act to punish the respondent herein for his willful violation and deliberate disobedience of the Orders of the High Court made in W.P.No. 12244 of 2019 dated 27.06.2019.

Between:

Mohammed Usman, S/o. Mohammed Sadiq, Aged about 32 years, Occ-Business, R/o, H.No.2-6-5/18, Happy Homes Colony, Upperpally, Hyderabad

...Petitioner

AND

Sri P. Mohan Reddy, Deputy Commissioner, Greater Hyderabad Municipality Corporation Circle No.8, Tank Bund Road, Hyderabad, Telangana State.

...Respondent/R3

Counsel for the Petitioner: SRI SHAKERA BANU (NO REPRESENTATION)

Counsel for the Respondent: SRI PASHAM KRISHNA REDDY

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

CONTEMPT CASE NO.1217 OF 2019

ORDER:

No representation for petitioner on the last three occasions and today also, there is no representation even though matter is listed under the caption 'for dismissal'.

2. By order dated 27.06.2019 made in I.A.No.1 of 2019 in W.P.No.12244 of 2019, having regard to the claim of the petitioner that the unofficial respondents are undertaking construction activity on wakf property and no action was taken by the Wakf authorities in spite of filing complaints, the Deputy Commissioner, Circle-8 was directed to conduct field inspection and if necessary, take assistance of the Telangana State Waqf Board to find out whether there was any wakf land, which is illegally occupied and without building permission, construction activity was going on and to take immediate steps as warranted by law. Alleging violation of the said direction, and that construction activity is going on, this contempt case is filed.

3. In the counter-affidavit, deposed by Mr. P.Mohan Rao, Deputy Commissioner, it is asserted that in the physical inspection, it was noticed that there was a big compound wall around the land in Sy.Nos.54, 55 and 56 of Bandlaguda, and no construction activity was seen. It is also asserted that letter was addressed to the petitioner about the alleged illegal construction and he was also requested to show the boundaries of the wakf land, but he did not turn up. It is further asserted that he was not able to find out the land in Sy.Nos.54, 55 and 56 and, therefore,

letter was addressed to the Waqf Board on 04.11.2019 to conduct joint inspection to fix the boundaries of the above mentioned survey numbers to ascertain if any illegal construction is noticed and to take action, but there is no cooperation from the Waqf Board. It is stated that bringing all these facts, vacate petition was also filed in the pending writ petition. The deponent expressed his inability to undertake exercise to identify the boundaries of survey numbers mentioned in the writ petition and to locate the site. However, having regard to the order of this Court, efforts were made with the help of local people and it was found that there were two compound walls for certain land and some vacant land, but no one has identified those lands as belonging to the Waqf Board.

4. Having regard to these assertions, which are not denied, it cannot be said that respondent has violated the directions issued by this Court warranting initiation of contempt proceedings. Moreover, since writ petition is pending and it is stated that counter-affidavit was already filed, petitioner may establish his claim in the pending writ petition. Contempt Case is accordingly closed. Pending miscellaneous petitions, if any, shall stand closed.

Sd/-C.V.MALLIKARJUNA VARMA
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Shakera Banu, Advocate [OPUC]
 2. One CC to Sri Pasham Krishna Reddy, Advocate [OPUC]
 3. Two CD Copies
- MMK



HIGH COURT

PNRJ

DATED:18/12/2020



ORDER

CC.No.1217 of 2019

CLOSING THE CONTEMPT CASE WITHOUT COSTS

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PMA
04/01/2021