

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE NO: 1477 OF 2019

Petition filed under Sections 10 to 12 of Contempt of Courts Act 1971 to punish the respondents herein for their willful and deliberate disobedience of the order dt. 23.09.2019 in W.P. No. 20470 of 2019

Between:

S.Purendhar Babu, S/o Late S.Laxminarayana Age 60 years Occ . Business R/o
H.No.1-4-243/1, Teachers Colony Suryapet Town, Nalgonda District

...PETITIONER

AND

Sri. P.Ramanujula Reddy, Commissioner, Town Municipality Suryapet, Nalgonda
District

..... RESPONDENT/CONTEMNOR

Counsel for the Petitioner: SMT T PUSHPA RANI

**Counsel for the Respondent: SRI N PRAVEEN KUMAR(SC FOR MC
TELANGANA)**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CONTEMPT CASE No.1477 of 2019

ORDER:

This Contempt Case is filed alleging non-compliance of the order dated 23.09.2019 passed by this Court in W.P.No.20470 of 2019 by the respondent herein (respondent No.2 in the writ petition).

Heard learned counsel for the petitioner.

It is a case where the writ petition came to be disposed of at the admission stage on 23.09.2019 acceding to the prayer of the petitioner's counsel that the complaint made by the petitioner be directed to be disposed of by the respondent. It is to be noted that while disposing of the writ petition this Court has not expressed any opinion with regard to the merits of the matter, as, at that stage, the private respondent (3rd respondent in the writ petition) was not before this Court and therefore this Court had only directed the respondent-Commissioner to act on the complaint of the petitioner and communicate the action taken within two weeks from the date of receipt of the order.

Now, a counter affidavit is filed in the contempt case specifically asserting that after receipt of the order dated 23.09.2019 passed by this Court in W.P.No.20470 of 2019, and as the 3rd respondent failed to remove the compound wall constructed over and above the sanctioned height, the field staff of the municipality had removed the compound wall on 04.09.2019, to the extent it violated the sanctioned plan, i.e., the existing height of compound wall was reduced from 11 feet to 5 feet from the Ground level as per the Rules, and the action taken was communicated to the petitioner on 04.09.2019 itself.

Now it is the contention of the petitioner that the removal of compound wall was not to the satisfaction as the compound wall was not completely removed and therefore there is violation in implementing the order of this Court.

This Court did not express any definite opinion with regard to the nature of action to be taken by the respondent. The order passed in the writ petition was to act on the complaint on the petitioner and communicate the action taken within two weeks. The respondent-Commissioner has categorically asserted in the counter affidavit that action has been taken on 04.09.2019 as per the Rules by reducing the height of the compound wall and the same was communicated to the petitioner on 04.09.2019. A copy of the said communication is also placed on record along with the counter affidavit.

Having regard to the development i.e., action having been taken by the respondent by reducing the compound wall height in accordance with the Rules, mere dissatisfaction of the petitioner with regard to the nature of action does not give rise to contempt as alleged by the petitioner. In that view of the matter, the contempt case is liable to be dismissed.

Accordingly, the contempt case is dismissed. No costs. Miscellaneous petitions, if any pending, shall also stand dismissed.

Sd/-M.VIJAYA BHASKAR
DEPUTY REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. Sri. P.Ramanujula Reddy, Commissioner, Town Municipality Suryapet, Nalgonda District
2. One CC to SMT. T PUSHPA RANI Advocate [OPUC]
3. One CC to SRI.N PRAVEEN KUMAR(SC FOR MUNICIPALITIES OF TELANGANA) Advocate [OPUC]
4. Two CD Copies



HIGH COURT
CKRJ
DATED:12/10/2020

ORDER
CC.No.1477 of 2019



DISMISSING THE CONTEMPT CASE WITHOUT COSTS

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HMA
DT 31/10/2020.