

THE HONORABLE SMT JUSTICE LALITHA KANNEGANTI

C.C.No.733 of 2022

ORDER

The present contempt case is filed for violation of the orders passed by this Court in I.A.No.2 of 2020 in W.P.No.9285 of 2020 dated 30-06-2020.

2. Learned counsel for the petitioner Mr. P. Kasi Nageswara Rao, submits that the petitioner has filed W.P.No.9285 of 2020 questioning the action of respondent No.3 therein in issuing the notice dated 20-06-2020 levying the penalty of Rs.3,50,000/- by declaring the barricade advertisement boards erected at the Begumpet road at HPS School, FOB Usurping the powers under Sections 420 and 421 of Hyderabad Municipal Corporation Act and G.O.Ms.No.68 Dated 20-04-2020 though the same are applicable only to sky signs, as illegal and arbitrary and also sought a direction to set aside the same. He submits that this Court, by order dated 30-06-2020 in I.A.No.2 of 2020 in W.P.No.9285 of 2020, has passed the interim order, which is extracted as order;

“Learned counsel for the petitioner submits that the subject matter of these writ petitions is identical to the one in W.P.No.9224 of 2020. Learned Standing Counsel opposes the said submission.

At the outset, there is no finding in the impugned order to the effect that there is violation of Clause 5(1)(ee) or 5(1)(hhd) and that there also appears to be

no show cause notice issued specifically alleging such violation.

In those circumstances, let there be a similar order in these cases as the one passed in W.P.No.9224 of 2020 which reads as under;

“Prima facie, the agreement dated 26.10.2017 is for a period of 4 years 9 months with effect from 26.10.2017 valid up to 26.06.2021. Therefore, the impugned demand of compounding fee on the ground of violation of G.O.Ms.No.68 dated 20-04-2020 is contrary to Clause 2(b) of the said G.O.

In those circumstances, there shall be interim stay as prayed for.”

Learned counsel for the petitioner submits that in spite of the orders passed by this Court and having knowledge of the same, the respondents have issued a penalty notice dated 15-02-2022 under Sections 420 and 421 of GHMC Act and also as per G.O.Ms.No.68 dated 20-04-2020 and levied penalty alleging the very same violations. Learned counsel submits that the impugned notice, on the face of it, is a clear violation of the orders passed by this Court. He submits that the conduct of the respondents in issuing the penalty notice constitutes the *actus reus* of impending or interfering with the administration of justice by causing the order of this Court to be thwarted and it is a clear deliberate and wilful violation of the order of this Court and hence, the petitioner has filed this contempt case.

3. This Court has perused the order dated 30-06-2020, wherein this Court has granted interim order basing on the earlier orders. As

per the earlier orders, it is stated that the agreement dated 26-10-2017 is for a period of 4 years 9 months with effect from 26-10-2017 valid up to 26-06-2021. Therefore, the impugned demand of compounding fee on the ground of violation of G.O.Ms.No.68 dated 20-04-2020 is contrary to Clause 2(b) of the said G.O. At any stretch of imagination, the present impugned notice issued by the respondents cannot be construed as violation of the earlier orders passed by this Court. In the notice dated 20-06-2020, wherein interim orders were passed by this Court, the respondent Corporation has stated that the advertisement boards were erected exceeding 15% of the frontage of the building from the ground level and they have committed 13 violations. Whereas in the present notice dated 15-02-2022, the respondent Corporation has categorically stated that without permission from the Commissioner, the petitioner has erected boards at Hyderabad Public School, Begumpet, about 102 advertisement elements, at Miyapur Cross Roads, two boards were erected and at near Greenlands Signal, Begumpet, 1 advertisement board was erected. They have also stated that as per the violations, the petitioner has to pay the penalty for unauthorised erection and display of advertisements. The cause of action before this Court earlier is for issuance of the penalty notice and the present notice is, all together, on different grounds, and by the order passed by this Court in I.A.No.2 of 2020 in W.P.No.9285 of 2020, there was no direction to the respondents not to issue any notice. Further, there is a contractual obligation between the parties and if

there is any violation, the respondents are always at liberty to issue a notice when something is done contrary to the terms of the agreement. In this case, according to the respondent Corporation, without obtaining permission at certain places, the petitioner has erected the advertisement boards. Hence, this Court finds that the same does not amount to contempt and there is no act on the part of the respondents in interfering with the administration of justice.

4. Accordingly, the Contempt Case is dismissed. No costs.

5. Miscellaneous petitions, if any pending in this contempt case, shall stand dismissed.

8th June, 2022.

sj

SMT LALITHA KANNEGANTI, J