

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE THIRTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CONTEMPT CASE NO: 306 OF 2023

Petition under Sections 10 to 12 of Contempt of Courts Act 1971 to punish the respondent herein for willful disobedience of the orders of this Hon'ble Court dated 16.11.2022 in W.P. No. 41364 of 2022.

Between:

Md.Luqman, S/o Shaik Mahabub, aged about 60 years, Ex.Vice Chairman,
Zaheerabad Municipality, R/o H.No.3-4-46, Mominmahila, Zaheerabad,
Sanga Reddy District

...PETITIONER

AND

Sri G.Malla Reddy, Commissioner, Zaheerabad Municipality, Zaheerabad,
Sanga Reddy District.

...RESPONDENT

Counsel for the Petitioner : Mr. P. RAGHAVENDER REDDY

Counsel for the Respondent : Mr. B. JAGAN MADHAV RAO

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

Contempt Case No.306 of 2023

ORDER

This contempt case is filed seeking to punish the respondent under Sections 10 to 12 of the Contempt of Courts Act, 1971, for willful disobedience of the order dated 16-11-2022 in W.P.No.41364 of 2022, wherein this Court has directed respondent No.5-Commissioner to consider the representation of the petitioner dated 14-10-2022 after giving due notice to the unofficial respondents therein within a period of four weeks from the date of receipt of a copy of this order.

2. Learned counsel for the petitioner Mr. P. Raghavender Reddy submits that the respondent has failed to comply with the orders of this Court dated 16-11-2022.

3. Learned Standing Counsel for the respondent Mr. B. Jagan Madhav Rao, has placed before this Court the proceedings dated 05-01-2023, wherein categorically stated that the Municipal Commissioner has perused the layout and noticed that the layout was made in the year 1997 by the approval of DTCP authorities vide LP No.81/97 in the land to an extent of Ac.16.425 cents and wherein Ac.1.64.2 cents open space has been left out in two places i.e., one is towards north western side of the layout and another is towards eastern side. He submits that the Commissioner has inspected the layout open space on the field and found no constructions in the open space earmarked in the layout No.81/97 in Sy.No.128 as alleged in the

representation of the petitioner and found an ongoing construction in Plot Nos.32, 33, 34, 35, 44 to 45 of layout being carried by one M/s.Dhan Reddy by obtaining building permission approval vide permit dated 22-02-2022 for construction of residential apartment in the said plots and accordingly since no construction is found in the open space of layout, the representation of the petitioner dated 14-10-2022 is rejected.

4. Learned counsel for the petitioner submits that when this Court has specifically directed the respondent Municipality to issue notice, they have not issued notice. According to him, there are constructions in the layout.

5. This Court has directed the Commissioner to issue notice to the unofficial respondents. For compliance of the said direction, the respondent Municipality has not passed any order against them. When the Commissioner himself has inspected the layout open space and found that there are no unauthorized constructions, question of issuance of notice to the unofficial respondents does not arise and it cannot be said that there is no compliance of the orders of this Court. According to the petitioner, there are constructions in the open space and according to the Commissioner's order dated 05-01-2023, there are no constructions in the open space. If the petitioner is aggrieved by the order of the Commissioner dated 05-01-2023, it is always open to him to assail the same. However, as the orders of this Court are

complied with by proceedings dated 05-01-2023, this Contempt Case is closed. No order as to costs.

6. Miscellaneous petitions, if any pending in this contempt case, shall stand closed.

//TRUE COPY//

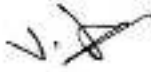
m
Sd/- B. SATYAVATHI
DEPUTY REGISTRAR

CB
SECTION OFFICER

To,

1. One CC to Mr. P. RAGHAVENDER REDDY, Advocate [OPUC]
2. One CC to Mr. B. JAGAN MADHAV RAO, Advocate [OPUC]
3. Two CD Copies

NJB
kam



HIGH COURT

LK,J

DATED:13/03/2023



ORDER

CC.No.306 of 2023

CLOSING THE CONTEMPT CASE.

⑤ VW
29/3/23