

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

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

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CONTEMPT CASE NO: 247 OF 2018

Contempt Case under Sections 10 to 12 of Contempt of Courts Act to Punish the Respondent herein for violating the Order of the High Court dated 25-10-2017 in WP No. 27888 of 2017.

Between

MD.IBRAHIM KHAN, S/o. Md. Habbeeb Khan, aged about 63 years,
Occ- Business, R/o. D.No 13-1-1233/331, Natraj Nagar, Asif Nagar, Hyderabad.

...PETITIONER/WRIT PETITIONER

AND

1. MANNAN FAROOQUI, Chief Executive Officer, Telengana State Waqf Board, Razaq Manzil, Nampally, Hyderabad.
2. Dr. B. Janardhan Reddy, I.A.S, The Commissioner, Greater Hyderabad Municipal Corporation, Office at Tank Bund, Hyderabad.
3. Mr. Raghu Prasad, Zonal Commissioner, GHMC, Circle -7, Hyderabad.
4. Mr. Pradeep Kumar, Assistant City Planner, GHMC, Circle -7, Abids, Hyderabad

...CONTEMNORS/RESPONDENTS

IA NO: 1 OF 2018

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents herein to implement the orders of the Hon'ble court in WP No. 27888 of 2017 dated 25-10-2017.

Counsel for the Petitioner : SRI. SYED MOUNIS JAFER ABIDI

Counsel for the Respondent No.1 : SRI M A MUJEEB, SC FOR WAKF BOARD

Counsel for the Respondent Nos.2 to 4 : SRI K SIDDHARTHA RAO, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C.V. BHASKAR REDDY

Contempt Case No.247 of 2018

ORDER:

Heard Mr. Syed Mounis Jafer Abidi, learned counsel for the petitioner; and Mr. K.Siddharth Rao, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, for respondent Nos.1 to 4.

2. This Contempt Case is filed by the petitioner against respondents, alleging wilful and deliberate violation of the order passed by a learned Single Judge of this Court in Writ Petition No.27888 of 2017, dated 25.10.2017.

3. *Vide* above order, the learned Single Judge directed respondent Nos.2 to 5 therein to consider the representation of the petitioner dated 07.08.2017 and prevent the unofficial respondent Nos.6 and 7 therein from encroaching upon the shop of the petitioner bearing Nos.13-2-692/2 and 13-2-692/1, situated at Puranapul, Hyderabad, until further orders.

4. Alleging wilful and deliberate disobedience of the order passed by the learned Single Judge, the present contempt case came to be filed by the petitioner against respondents.

5. On 09.02.2018, notice was ordered to the respondents in the Contempt Case. Thereafter, the respondent Nos.1 to 4 filed counter-affidavit, dated 16.03.2018, in the Contempt Case.

6. In the counter-affidavit, it is contended by the respondent Nos.1 to 4 that they have inspected the site and found that there was no construction work under progress at the site; the site in question belongs to the 1st respondent and the 1st respondent-Waqf Board is authorized to take action against the construction if there is any encroachment; the 2nd respondent-Corporation only provides men and material to the 1st respondent-Waqf Board to carry out demolition of unauthorized constructions or removal of encroachments in properties belonging to Waqf Board; in those circumstances, the 1st respondent has addressed a letter to the Chief Executive

Officer, Telangana State Wakf Board, Hyderabad, dated 09.03.2018 requesting to depute a surveyor for joint inspection of the site in question for conducting a survey and demarcate the disputed site and to fix boundaries thereon so as to ascertain the true extent of encroachment; as of now, there is no construction work under progress, and as soon as surveyor is deputed by the 1st respondent, the 2nd respondent would conduct joint inspection to ascertain the extent of encroachment; and therefore, contended that the 2nd respondent has already initiated action for removal of encroached portion vide above letter dated 09.03.2018; therefore, there is no wilful and deliberate disobedience of the order passed by the learned Single Judge by the respondents; and prayed that, there are no merits in the Contempt Case and the same is liable to be dismissed.

7. In view of above submissions, this Court is of the opinion that the present contempt case can be closed as there is no wilful and deliberate disobedience of the order passed by the learned Single Judge by the respondents.

Moreover, it is stated that there is no construction work in progress at the site in question. On this ground also, the contempt case may be closed.

8. Accordingly, the contempt case is closed. However, liberty is given to the petitioner to revive the contempt case in case any cause survives therein. No costs.

9. As a sequel, miscellaneous applications pending if any in this Contempt Case, shall stand closed.

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SD/-B.SATYAVATHI
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. MANNAN FAROOQUI, Chief Executive Officer, Telengana State Waqf Board, Razaq Manzil, Nampally, Hyderabad.
2. Dr. B. Janardhan Reddy, I.A.S, The Commissioner, Greater Hyderabad Municipal Corporation, Office at Tank Bund, Hyderabad.
3. Mr. Raghu Prasad, Zonal Commissioner, GHMC, Circle -7, Hyderabad.
4. Mr. Pradeep Kumar, Assistant City Planner, GHMC, Circle -7, Abids, Hyderabad
5. One CC to SRI. SYED MOUNIS JAFER ABIDI, Advocate. [OPUC]
6. One CC to SRI. M A MUJEEB. Advocate. [OPUC]
7. One CC to SRI K SIDDAHARTHA RAO, Advocate.[OPUC]
8. Two CD Copies

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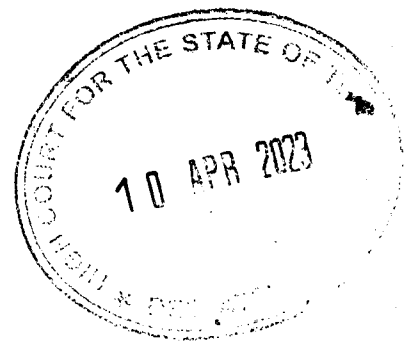
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HIGH COURT

DATED:13/02/2023

ORDER

CC.No.247 of 2018



CLOSING THE CONTEMPT CASE WITHOUT COSTS

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24/3/23.