

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

Contempt Case No.273 of 2018

ORDER:

This Contempt Case is filed by the petitioner against the respondents, alleging wilful and deliberate violation of the order passed by a learned Single Judge of this Court in Writ Petition No.34984 of 2017, dated 11.12.2017.

2. *Vide* above order, the learned Single Judge disposed of the writ petition by directing the 3rd respondent therein to consider and dispose of the representations, dated 01.08.2017, 28.08.2017 and 21.09.2017, of the petitioner in strict accordance with the procedure established by law within a period of four (04) weeks from the date of receipt of a copy of the order and communicate its decision thereon to the petitioner within a week thereafter; and further held that if the respondent authorities find the constructions carried out by 6th respondent to be illegal and unauthorised and if the same are in deviation of the building permission, the respondent authorities shall initiate appropriate action against such constructions in strict accordance with procedure established by law, and the 6th respondent shall not make any constructions either

without any building permit or in deviation of the building permit.

3. 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 the respondents.

4. On 12.10.2018, notice was ordered to the respondents. Thereupon, respondent No.1 filed counter-affidavit dated 02.04.2018 as well as additional counter-affidavit dated 27.11.2018; and likewise, the 2nd respondent filed counter-affidavit on 05.11.2018.

5. In the counter-affidavit filed by 1st respondent, it is contended that 2nd respondent has made illegal and unauthorized constructions of ground and two upper floors without obtaining any permission from the respondent-Corporation; consequently, the respondent officials have issued show-cause notice dated 02.11.2017 to the 2nd respondent under Sections 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955, directing the 2nd respondent to stop the construction work and also to show-cause why the said unauthorized

constructions should not be removed / pulled down or demolished, and further directed the 2nd respondent to appear before the respondent-officials on 09.11.2017 at 03:00 p.m.; but, the 2nd respondent instead of complying with the above show-cause notice, straightaway filed a suit, viz., O.S.No.2711 of 2017, before the IV Junior Civil Judge; vide order dated 28.11.2017, passed in I.A.No.494 of 2017 in O.S.No.2711 of 2017, the Court below granted *interim order* by directing the representatives of the respondent-Corporation to maintain *status quo*; during pendency of the said interim order of the Court below, the petitioner herein filed Writ Petition No.34984 of 2017 (out of which the present Contempt Case arises) before this Court; vide order dated 11.12.2017, a learned Single Judge of this Court disposed of the said Writ Petition with a direction to the respondent-Corporation to follow due process of law; and therefore, contended that soon after disposal of the above suit by the Court below, they would take appropriate steps by issuing further notices under Section 452(2) and 636 of the Greater Hyderabad Municipal Corporation Act, 1955 for removal of the illegal constructions being carried out by the 2nd respondent; and therefore, contended that there is

no wilful and deliberate disobedience by the 1st respondent of the order passed by the learned Single Judge; and therefore, prayed this Court that there are no merits in the Contempt Case and the same is liable to be dismissed.

6. In view of above submissions, the 1st respondent shall take steps for vacation of the interim order granted by the Court below, and thereafter take steps in accordance with law for removal of the illegal constructions carried out by the 2nd respondent.

7. With these observations, the Contempt Case is closed. No costs.

8. As a sequel, miscellaneous applications pending if any, shall stand closed.

C.V. BHASKAR REDDY, J

Date : 13.02.2023
Ndr