

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY ,THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

CONTEMPT CASE NO: 476 OF 2023

Contempt Case under Sections 10 to 12 of Contempt of Courts Act 1971 is filed i.e, Mr. Seva Islavath to punish the Commissioner for willfully, deliberately, violating the orders in W.P. No. 37938 of 2022 Dt. 25.11.2022

Between:

Javida Begum, W/o. Mohammed Abdul Qayyoom, Aged about 70 years, Occ. House Wife, R/o. 9-4-150/2, Plot No. 35 Sy.No.1011, Situated at Mankammathota, Ward No. 35, Karimnagar and residing at Flat No.3. 3rd Floor, All Chamber, Mallepalli Circle, Hyderabad, Telangana State.

.....PETITIONER/WRIT PETITIONER

AND

MR. SEVA ISLAVATH,, The Commissioner, The Karimnagar Municipal Corporation, Karimnagar District, Telangana State.

...RESPONDENT/ 3RD RESPONDENT

Counsel for the Petitioner: SRI. MIRZA AIJAZ ALI BAIG

Counsel for the Respondent: SRI KADARU PRABHAKAR RAO

The Court made the following: ORDER

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

Contempt Case No.476 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 willfully and deliberately violating the order dated 25-11-2022 in W.P.No.37938 of 2022.

2. This Court, by order dated 25-11-2022, has directed the respondent Corporation to consider the case of the petitioner strictly in the light of G.O.Ms.No.168 dated 07-04-2019 and the subsequent amendments made to G.O.Ms.No.168 by way of Amendment-16 of G.O.Ms.No.7 dated 05-01-2016 and complete this exercise within a period of two weeks from the date of receipt of a copy of the order and till such decision is taken, they shall not take any coercive steps against the petitioner.

3. Learned counsel for the petitioner Mr. Mirza Aijaz Ali Baig submits that the respondent has failed to take any action pursuant to the orders passed by this Court. He submits that after the contempt case is filed on 22-02-2023, the respondent has passed the order on 23-02-2023 and assailing the same, the petitioner has filed W.P.No.6214 of 2023, which is coming up today for hearing. Learned counsel submits that though this Court has directed the respondent to consider the case of the petitioner within two weeks, the respondent has failed to do so and thus, there is violation of the orders passed by

this Court and to get over this contempt case, the respondent has passed the order on 23-02-2023.

4. Learned Standing Counsel for the respondent Mr.K. Prabhakar Rao submits that the petitioner is having two pieces of land, one is on the northern side and the other is on the southern side and the petitioner has not surrendered any portion of the land towards northern side of her land where 60 feet wide Master Plan road is existed and the petitioner has falsely contended that the width of road is 50 feet and she has left 10 feet of her land on northern side road, which is against the approved Mater Plan of Corporation. He submits that on southern side of the petitioner's land, there is 20 feet width of road existed, but as per G.O.Ms.No.168 dated 07-04-2012, the minimum width of the road should be 30 feet and the respondent Corporation while granting permission insisting abutting owners to surrender 5 feet width out of their land for widening of the road into 30 feet width and the petitioner has obtained permission for construction of building ground +1 floor within area of 129.13 sq. mtrs vide proceedings dated 01-03-2014. He submits that the petitioner has voluntarily executed a gift deed dated 28-10-2009 in favour of the respondent Corporation and gifted the land admeasuring 16.66 sq. yard for development of roads/public parks on southern side road in Sapthagiri Colony Road, Karimnagar, and the petitioner without obtaining any permission from the respondent Corporation has illegally built the cellar + 2 floors within the area of 160.02 sq. mtrs, on southern side of her land in 2021, including

the land gifted for road purpose on 28-10-2009 without leaving the road affected area of 5 feet width and considering all these facts and circumstances, the respondent Corporation has passed the speaking order dated 23-02-2023 and the petitioner is not entitled for any benefit vide G.O.Ms.No.168 dated 07-04-2019 and the subsequent amendments made to G.O.Ms.No.168 by way of Amendment-16 of G.O.Ms.No.7 dated 05-01-2016.

5. This Court has perused the counter and the speaking order passed by the respondent on 23-02-2023. It is submitted by the petitioner that there is a delay in complying with the order passed by this Court. However, this Court is not able to appreciate the contention of the petitioner that there is no consideration by the respondent and to get over the contempt case, the said order was passed. In the considered opinion of this Court, the respondent has complied with the orders of this Court, however, with a delay. Petitioner has already filed W.P.No.6214 of 2023 assailing the said order.

6. Accordingly, the Contempt Case is closed. No order as to costs.

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

Sd/-CH.VENKATESWARLU
DEPUTY REGISTRAR

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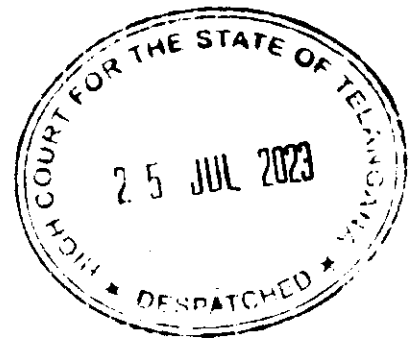
SECTION OFFICER

To,

1. MR. SEVA ISLAVATH,, The Commissioner, The Karimnagar Municipal Corporation, Karimnagar District, Telangana State.
2. One CC to SRI MIRZA AIJAZ ALI BAIG Advocate [OPUC]
3. One CC to SRI KADARU PRABHAKAR RAO, Standing Counsel [OPUC]
4. Two CD Copies

HIGH COURT
DATED:03/03/2023

ORDER
CC.No.476 of 2023



CLOSING THE CONTEMPT CASE WITHOUT COSTS

⑥ *vis*
10/7/23