

IN HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CONTEMPT CASE NO: 575 OF 2023

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act to punish the respondent herein for wilful violation of the interim Order of the High Court dated 10.01.2023 passed in I.A. No. 01 of 2023 in W.P. No. 881 of 2023.

Between:

Sankhala Raju, S/ o. Sirdararam, Aged 46 years, Occ. Business, R/o. H.No. 8-1-53/A, Gandhinagar, Rajanna Sircilla

...PETITIONER

AND

V. Sammaiah, The Commissioner, Rajanna Sircilla Municipality, H.No.8-3-30, Gandhi Nagar, Sircilla, Dist.. Rajanna Sircilla, PinCode.505301

...CONTEMNOR/RESPONDENT

IA NO: 1 OF 2023

Petition under Section 151 of C.P.C praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the show cause notice No. GI/UC/3/4/2023 dated 08.03.2023 for demolition of the property issued by the Respondent which was issued in violation of the interim order dated 10.01.2023 passed in I.A. No. 01 of 2023 in W.P. No. 881 of 2023.

Counsel for the Petitioner :SRI. T. SURYA SATISH

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

The Court made the following:

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

CONTEMPT CASE No.575 of 2023

ORDER:

This Court, on 10.01.2023 granted interim orders in I.A.No.1 of 2023 in W.P.No.881 of 2023 suspending the notice of revocation in Letter No.216858/SIRC/0754/2022, dated 02.11.2022.

2. This Contempt Case is filed alleging violation of the orders passed by this Court on 10.01.2023 in I.A.No.1 of 2023 in W.P.No.881 of 2023.

3. It is the case of the petitioner that the respondent even after knowing the fact of suspending the impugned notice in the writ petition has deliberately issued the show-cause notice, dated 08.03.2023 to the petitioner directing him not to proceed with the construction though the petitioner is entitled to proceed with the construction as per the building permission granted earlier.

4. Learned counsel appearing for the petitioner has submitted that questioning the show-cause notice issued

to the petitioner, the petitioner has filed another writ petition *vide* W.P.No.8798 of 2023 and this Court also granted interim orders in the said writ petition suspending the show-cause notice, dated 08.03.2023. In view of the same, the petitioner wants to prosecute the writ petition and prays to close this Contempt Case.

5. Learned counsel appearing for the respondent has submitted that the building permission was granted to the petitioner under T.S. B-Pass Act and the permission granted is always subject to the additional conditions incorporated in the permission granted. It is further submitted that as per the additional condition No.6, the applicant shall not proceed with the construction till the post verification is done and a work commencement letter is issued. According to the respondent, the petitioner without informing the Municipal authorities has proceeded with the illegal construction before verification of the subject site of the petitioner and the learned counsel also contended that there is no willful deliberate action on the

part of the respondent in issuing the show-cause notice, dated 08.03.2023 and they have not taken up any demolition contrary to the orders of this Court.

6. In view of filing subsequent writ by the petitioner questioning the show-cause notice, dated 08.03.2023, which was issued as per the additional condition No.6 in the construction permission, this Court deems it fit that no orders need to be passed in this Contempt Case.

7. Accordingly, the Contempt Case is closed. No costs.

8. Miscellaneous petitions, if any, shall stand closed.

Sd/-CH.VENKATESWARLU
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI. T. SURYA SATISH, Advocate [OPUC]
2. One CC to Mr. B. JAGAN MADHAVA RAO, Advocate [OPUC]
3. Two CD Copies

DL



HIGH COURT

CVBR,J

DATED:16/08/2023

ORDER

CC.No.575 of 2023



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