

[3296]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

CONTEMPT CASE NO: 825 OF 2023

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act 1971 to punish the respondents herein for willfully and disobeying/deliberately/ violating the Orders of the High Court dated 02.02.2023 passed in W.P.No.1823 of 2023.

Between:

M/s. Gokul Constructions, rep. by its Proprietor V.Dayanand, S/o. late V.Mallesha Yadav, aged about 43 years, Occ: Business, R/o.H.No.5-2-97 to 102, Jambagh, Hyderabad.

...PETITIONER

AND

D.S.Lokesh Kumar, I.A.S., Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.

...RESPONDENT

IA NO: 1 OF 2023

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 respondent to stop any construction on the schedule property pursuant to impugned building permission vide permit no.2156/GHMC/SLP/2022-BP, dated 12-02-2022 in file no.005801/GHMC/3114/SLP/2021-BP, during the pendency of the Contempt Case.

Counsel for the Petitioner: SRI. B. MAHENDER REDDY

SR

Counsel for the Respondent: M.A.K. MUKHEED (SC FOR GHMC)

The Court made the following: ORDER

HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

CONTEMPT CASE No.825 of 2023

ORDER:

This Contempt Case is filed by the petitioner alleging the willful and deliberate violation of the orders passed by this Court in Writ Petition No.1823 of 2023 dated 02.02.2023.

2. Vide above order, the learned Single Judge disposed of the said Writ Petition directing the respondent Corporation to consider the representations dated 17.10.2022 and 19.12.2022 after issuing notice to all the stake holders including Writ Petitioners and respondents therein and also afford an opportunity of personal hearing and also examine all the documents produced by either parties and pass appropriate orders in accordance with law.

3. Alleging non compliance of the above order passed by this Court, this present Contempt Case came to be filed by the petitioner.

4. On 17.04.2023, notice was issued to the respondent in the Contempt Case. After receipt of notice, respondent filed counter affidavit on 08.06.2023. In the counter affidavit filed by the respondent, it is *inter alia* stated that in compliance of the order of this Court dated 02.02.2023 passed in Writ Petition

No.1823 of 2023, the respondent has issued notice to all the concerned parties and after affording an opportunity of hearing to both the parties, it has disposed of the representations submitted by the petitioner vide referred above and passed a speaking order vide Proc.No.005801/GHMC/3114/SLP2/2022-BP dated 25.05.2023.

5. In view of the above, this Court is of the opinion that since the respondent has complied with the order passed by this Court in Writ Petition No.1823 of 2023 dated 02.02.2023 and disposed of the representations of the petitioner referred above, there is no willful and deliberate violation on the part of the respondent in violating the above order.

6. Accordingly, this Contempt Case is closed. However, liberty is granted to the petitioner if he is still aggrieved by the speaking order passed by the respondent dated 25.05.2023, he is at liberty to question the same in accordance with law. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

SD- M. RAMANA KRISHNA
DEPUTY REGISTRAR
7/3
SECTION OFFICER

//TRUE COPY//

To,

1. Sri D.S.Lokesh Kumar, IAS., Commissioner, Greater Hyderabad Municipal Corporation, Lower Tank Bund, Hyderabad.
2. One CC to SRI. B. MAHENDER REDDY Advocate [OPUC]
3. One CC to SRI. M.A.K. MUKHEED (SC FOR GHMC) [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:08/06/2023

ORDER

C.C.No.825 of 2023



CLOSING THE CONTEMPT CASE
WITHOUT COSTS

67 Copies
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28/6/23