

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

CONTEMPT CASE NO: 800 OF 2019

Contempt Case under Sections 10 to 12 of Contempt of Courts Act to punish the Respondents herein for willfully and disobeying/deliberately/violating the Orders of the High Court dated 18-03-2011 in C.R.P.No.3635 of 2005.

Between:

1. Chintalapati Krishna Murthy, S/o Late Sri Venkata Subbaiah, Aged about 86 years, Occupation Business, Resident of House No.5-3-357, Rashtrapathi Road, Jeera, Secunderabad.
2. Chintalapati Venkata Ramana, S/o Sri.Ch.Krishna Murthy, Aged about 56 years, Occupation Service, Resident of House No.5-3-357, Rashtrapathi Road, Jeera, Secunderabad.

...PETITIONERS/DEFENDANTS

AND

1. Smt.Razia Sultana, W/o Sri.S.A.Hashmi, Aged about 90 years, Occupation House-hold, R/o 17-8-314, Chauni Nade-E-Ali Baig, Yakuthpura, Hyderabad
2. Syed Yaseem Ali, S/o Sri.S.A.Hashmi, Aged about 69 years, Occp Business, R/o 17-8-314, Chauni Nade-E-Ali Baig, Yakuthpura, Hyderabad
3. Smt.Rabia Sultana, D/o Sri.S.A.Hashmi, Aged about 59 years, Occupation House-hold, R/o 17-8-314, Chauni Nade-E-Ali Baig, Yakuthpura, Hyderabad
4. Smt.Majeeda Sultana, D/o Sri.S.A. Hashmi, Aged about 49 years, Occupation House-hold, R/o 17-8-314, Chauni Nade-E-Ali Baig, Yakuthpura, Hyderabad
5. Smt.Ageela Sultana, D/o Sri.S.A.Hashmi, Aged about 47 years, Occupation House-hold, R/o 17-8-314, Chauni Nade-E-Ali Baig, Yakuthpura, Hyderabad. (RR1 to 5, represented by their GPA RR6 to 9)
6. Sri.Vinte Brahmananda Reddy, S/o Sri.V.Rami Reddy, Aged about 51 years, Occupation Business, R/o 201, Vaishnavi Residency, Plot No.31, Andhra Bank - Backside, Vivekananda Nagar Colony, Kukatpally, R.R.District
7. Sri.Matrigari Narayan Goud, S/o Sri.Lingamaiah Goud, Aged about 58 years, Occupation Business, R/o H.No.23-5-121, Lal Darwaza Cross Road, Hyderabad

8. Sri.B.Venkatesh, S/o Sri.B.Krishna, Aged about 47 years, Occupation Business, R/o 18-9-121, Chandrayangutta, Hyderabad
9. Sri.T.Koti Reddy, S/o Anjaneyulu, Aged about 51 years, Occupation Business, R/o Plot No.306, Lakshmikrishna Apartments, Kalyannagar, Hyderabad

...RESPONDENTS/PLAINTIFFS

Counsel for the Petitioners: SRI P. BADRI PREMNATH

Counsel for the Respondents: SRI SHARAD SANTHI

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.VENKATESHWARA REDDY

C.C.No.800 of 2019

ORDER:

The defendants have filed this contempt case under Sections 10 to 12 of Contempt of Courts Act, 1971 for committing willful and deliberate disobedience in implementing the orders dated 18.03.2011 passed by this Court in CRP No.3635 of 2005 and to punish the plaintiffs accordingly alleging that the plaintiff No.1 has filed O.S.No.1447 of 2003 on the file of the IX Additional Senior Civil Judge, Ranga Reddy District at L.B.Nagar in respect of plaint 'C' schedule property. The trial Court has granted injunction in respect of part of the property to the extent of Ac.0.29 guntas in Sy.No.358 of Chandanagar Village, Serilingampally Mandal. Against the said orders of the trial Court, the defendant No.1 has filed CMA No.124 of 2004 before the learned II Additional District Judge, Ranga Reddy District at L.B.Nagar and obtained a status quo order.

2. Further, aggrieved by the said status quo order the defendants have filed CRP No.3635 of 2005 before this Court wherein this Court while disposing of the CRP directed both the parties to maintain status quo and not to alienate the suit schedule property, not to make any construction or create third party interest with regard to suit properties. However, to the utter surprise of the defendants, it was noticed that a board was displayed in the suit land as municipal plan was obtained vide file No.62105/22/07/2003/HO and Permit No.51707/HO/WZ/Cir-12/2016, dated 25.06.2016 on this the 1st petitioner herein has got issued a notice dated 22.04.2019 for violation of the said orders but the notice was returned with the endorsement either 'incomplete address' or 'insufficient address'. Thereafter, he has filed WP No.45240 of 2018 and the same is pending for filing counters by the GHMC. To his knowledge, on 10.10.2018 the plaintiffs started construction work in utter disobedience of the orders of this Court in CRP No.3635 of 2005.

3. Notice served on the respondents/plaintiffs. The 6th respondent has filed Memo dated 04.11.2022 along with photographs of the suit schedule site stating that there was no violation of any orders.

4. At this stage it is apposite to refer to the proceedings dated 20.10.2022, 02.11.2022 and 07.11.2022. As per the proceedings dated 20.10.2022 it was submitted by learned counsel for the petitioners that there was an understanding on behalf of the respondents to close the pits, however in view of continuous raining they have taken further time. Accordingly, the learned counsel on behalf of the respondents submitted that they have complied the earlier instructions and the pits were closed and requested for short time for making submissions on that aspect and also to produce the proof to that effect by way of filing the photographs. As such, the matter was adjourned to 02.11.2022. That on 02.11.2022 learned counsel for the respondents has furnished photographs of the suit site to the learned

counsel for the petitioners pursuant to the representation dated 20.10.2022 showing that the pits dug in the suit site were closed. However, learned counsel for the petitioners has requested short time to confirm the said fact and to make submissions. That on 07.11.2022 learned counsel for the petitioners submitted that as per the instructions of his clients the pits were not closed and the respondents were misleading the Court.

5. Be it stated that learned counsel for the respondents has filed the photographs along with Memo dated 04.11.2022, filed on 07.11.2022. These photographs were obtained on 11.10.2022. In all these photographs nowhere the pits were found, and the land appears to be leveled. Though the learned counsel for the contempt petitioners has argued that as per his instructions pits were not closed, he did not dispute the photographs filed by respondent No.6 and as per the said photographs no such pits were found in the suit site and the land was leveled.

6. Perused the orders in CRP No.3635 of 2005 wherein both the parties were directed not to make any constructions or change the physical features of the property pending disposal of the Original Suit in O.S.No.1447 of 2003 on the file of learned II Additional District Judge, Ranga Reddy. Except making allegations that some pits were dug and that the sign board was displayed as to obtaining the permission from the municipality no further allegations are leveled against the plaintiffs by the defendants. Therefore, in the above factual background considering the photographs filed by the 6th respondent on 07.11.2022 I do not find any pits dug in the suit schedule property in violation of the status quo orders and even if any pits were dug they were closed and there is no construction activity in progress. Therefore, in the above factual matrix, considering the proceedings dated 20.10.2022, 02.11.2022 and 07.11.2022 I do not find any violation of the orders in CRP No.3635 of 2005 and this contempt case is liable to be closed.

7. In the result, for the reasons stated above, the contempt case is closed as the contempt petitioners are not able to establish the violation of the orders of this Court dated 18.03.2011 passed in CRP No.3635 of 2005. However, in the circumstances of the case there shall be no order as to the costs.

As a sequel, miscellaneous applications, if any pending in this contempt case, shall stand closed.

Sd/-M.RAMANA KRISHNA
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri P. Badri Premnath, Advocate [OPUC]
2. One CC to Sri Sharad Sanghi, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED: 24/03/2023



ORDER

C.C.No.800 of 2019

CLOSING THE CONTEMPT CASE

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MA
1/6/23