

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

Contempt Case No.2394 of 2016

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.40393 of 2015, dated 14.12.2015.

2. *Vide* above order, the learned Single Judge disposed of the writ petition with an observation that before taking any steps for removal of the alleged illegal constructions, the Corporation shall follow due process of law which includes issuing notices as required under Sections 452, 461 and 636 of the Greater Hyderabad Municipal Corporation Act, 1955.

3. Alleging wilful and deliberate disobedience of the above order of the learned Single Judge, the present Contempt Case came to be filed by the petitioner against the respondents.

4. There is no representation on behalf of the petitioner.

5. Mr. K. Ravinder Reddy, learned Standing Counsel for the 1st respondent-Greater Hyderabad Municipal Corporation, contended that after disposal of the above writ petition on 14.12.2015, the 2nd respondent herein approached the Civil Court by filing O.S.No.3110 of 2015 on the file of VI Junior Civil Judge, City Civil Court, Hyderabad against the Greater Hyderabad Municipal Corporation contending that the 2nd respondent had paid penalty under B.R.S. Scheme and her application is still pending and therefore, the 2nd respondent cannot be dispossessed from the subject property; vide order dated 23.12.2015 passed in I.A.No.1014 of 2015 in O.S.No.3110 of 2015, the court below granted *status quo*; the B.R.S. applications submitted for regularization, pursuant to issuance of G.O.Ms.No.152, Municipal Administration, dated 02.11.2015, are pending for process/disposal, since the said G.O. was challenged before this Court in Writ Petition (P.I.L.) No.361 of 2015 wherein a direction was given not to take coercive steps against the illegal

constructions or deviations, pending finalization of the P.I.L.; and therefore, contended that after vacation of *status quo* order passed by the Court below in I.A.No.1014 of 2015 in O.S.No.3110 of 2015 and also outcome of the Writ Petition (P.I.L.) No.361 of 2015, the 1st respondent-Corporation would take necessary action by duly verifying the above said B.R.S. application filed by the 2nd respondent in terms of the said G.O.; there is no wilful or deliberate disobedience of the order passed by this Court in Writ Petition No.40393 of 2015, dated 14.12.2015; and therefore, contended that there are no merits in the Contempt Case and the same is liable to be dismissed.

6. In view of above submissions, this Court is of the considered view that there is no wilful or deliberate disobedience of the order passed by this Court in Writ Petition No.40393 of 2015, dated 14.12.2015, and hence the Contempt Case may be closed.

7. Accordingly, the Contempt Case is closed, however with an observation that as and when a decision is taken with regard to validity or otherwise of the B.R.S.

applications by the 1st respondent-Corporation, the 1st respondent-Municipal Corporation is directed to take steps for removal of illegal constructions after duly putting the petitioner and affected parties on notice and also afford the petitioner an opportunity of hearing.

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

9. As a sequel, miscellaneous applications pending if any in this Contempt Case, shall stand closed.

C.V. BHASKAR REDDY, J

Date : 13.02.2023
Ndr