

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

CONTEMPT CASE NO: 2120 OF 2023

Contempt Case filed Under Sections 10 to 12 of Contempt of Courts Act, 1971 to punish the respondents their wilful disobedience and deliberate violation of the Order of the High Court dated 12-07-2023 passed in W. P. No. 18053 OF 2023.

Between:

L. V. Subrahmanyam, S/o Late Sri. L. V. KamaSastry, Aged 64 yrs, Occ Retd. Manager, SBI, R/o H. No. 3- 7- 62/285, South End Park, Mansoorabad, L. B. Nagar, Hyderabad- 68

...PETITIONER

AND

1. Sri Maruthi Rao, Former Deputy Commissioner, Greater Hyderabad Municipal Corporation, L. B. Nagar Circle, Ranga Reddy District, Hyderabad.
2. Sri P. Ravindra Kumar, Deputy Commissioner, Greater Hyderabad Municipal Corporation, L. B. Nagar Circle, Ranga Reddy District, Hyderabad.

...RESPONDENTS

Counsel for the Petitioner : SRI. P RADHAKRISHNA

Counsel for the Respondents: ^{SRI} M DURGA PRASAD (SC FOR GHMC)

The Court made the following: ORDER

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

CONTEMPT CASE No.2120 of 2023

ORDER:

Alleging violation of the order dated 12.07.2023 passed by this Court in Writ Petition No.18053 of 2023, the present Contempt Case is filed.

2. Learned standing counsel appearing for respondents submits that in pursuance to the order dated 12.07.2023, the respondent authorities issued proceeding No.317/TPS/C3/LNZ/GHMC/2023 dated 28.10.2023 and further drawn attention of this Court to the following paragraph:-

"In compliance with the above order, a hearing was conducted with both the parties on 11-8-2023 in the Chambers of Deputy Commissioner, Circle No.3, Hayath Nagar and both the parties have attended the hearing. During the hearing the petitioner Sri.L.V.Subrahmanyam has reiterated that his neighbour Smt.K.Anitha Reddy is making construction without leaving even 2 feet distance to his compound wall and requested to remove the deviations. The unofficial Respondent Smt.K.Anitha Reddy has stated that she has obtained building permission vide Permit No.303252/6377/GHMC/2023 Dt:22-06-2023 for construction of Stilt + 2 upper floors at Plot No.284, H.No.3-7-62/284, situated at Southend Park, Mansoorabad and left 3'.6" setback towards complainant's side as per sanctioned plan but since the petitioner Sri.L.V.Subrahmanyam has encroached 1'.6" into her land (i.e., 13 Sq.yds.) the setback on ground is looking as 2 feet Only. She has further stated that she has filed civil suit in O.S No.535 of 2023

before the Hon'ble Principle Junior Civil Judge, R.R.District for Recovery of Possession and Injunction against Sri.L.V.Subrahmanyam seeking recovery of 13 Sq.yards..

It is submitted Smt..Kosala Anitha also submitted complaint dated:31-07-2023 against Sri.L.V.Subrahmanyam and also filed W.P.No.19870 of 2023 in this Hon'ble Court and the same is pending adjudication, Pursuant to complaint of Smt.Kosala Anitha dated:31-07-2023, this office has Issued show-cause notice dated: 1-8-2023 in Lr.No.317/W12/UC/CIR-03/GHMC/2023 to Sri.L.V.Subrahmanyam and he has also submitted explanation to the said show-Cause notice on 07-08-2023.

The documents and statements furnished by both the parties have been verified and observed that earlier this office has already initiated action on the complaint dated: 10-06-2023 by issuing show-cause notice dated:10-07-2023 and Speaking order dated: 01-08-2023.The building permission was issued to Smt.K.Anitha Reddy on basis of plot area and dimensions shown in her ownership document and on ground she has left 2 feet setback instead of permitted 3 feet 3 inches towards petitioner's side. The issue raised by Smt.K.Anitha Reddy that 1'.6" of her land was encroached by the petitioner Sri.L.V.Subrahmanyam is sub-judice as the subject matter is pending adjudication in O.S.No.535 of 2023 before the Hon'ble Principle Junior Civil Judge, R.R.District. Since the main issue raised by the petitioner is also regarding the above deviation, this office will take necessary action after the outcome of civil suit in O.S.No.535 of 2023, as this office cannot adjudicate regarding the encroachment made by the Sri.L.V.Subrahmanyam in the land of Smt.K.Anitha Reddy and also further action will be initiated pursuant to the Speaking order dated:1-8-2023 in respect of construction made by Smt.K.Anitha Reddy as the matter is sub-judice before the competent civil court."

Learned standing counsel further pray this Court to close the present contempt case, as the order of this Court passed in Writ Petition No.18053 of 2023, dated 12.07.2023 has been complied.

3. At this stage, learned counsel for the petitioner submits that liberty may be granted to challenge proceeding No.317/TPS/C3/LNZ/GHMC/2023 dated 28.10.2023, if the petitioner is otherwise aggrieved.

4. In view of the submission made by the learned counsel on either side, this Contempt Case is closed, leaving it open to the petitioner to pursue their remedies, in accordance with law.

Miscellaneous applications, if any pending, shall stand closed.

No order as to costs.

**SD/-M/ RAMANA KRISHNA
DEPUTY REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to SRI. P RADHAKRISHNA, Advocate [OPUC]
2. One CC to SRI. M DURGA PRASAD (SC FOR GHMC), [OPUC]
3. Two CD Copies

ADK

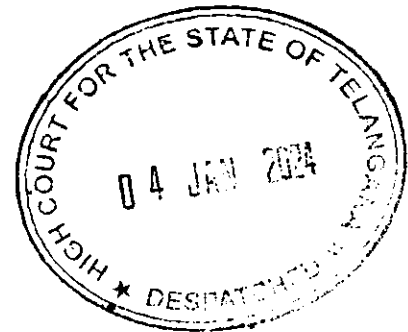


HIGH COURT

DATED:29/12/2023

ORDER

CC.No.2120 of 2023



CLOSING THE CC
WITHOUT COSTS

5) Copies

Em
4/1/24