

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

Contempt Case No.1942 of 2014;

Writ Petition No.33142 of 2013;

and

Writ Petition No.29387 of 2014

COMMON ORDER:

Since common issue arise in all these cases, they are being disposed of by way of this Common Order with the consent of both parties.

Writ Petition No.29387 of 2014 :

2. Writ Petition No.29387 of 2014 is filed by the petitioners (respondent Nos.3 and 4 in the present Contempt Case) seeking a *Writ of Mandamus* to declare the impugned notice in UC/32/W.14/TPS/C3/EZ/GHMC/2011, dated 09.01.2014, issued by the 2nd respondent therein as illegal, arbitrary, unjust, impermissible and in violation of principles of natural justice besides violation of Article 14 of the Constitution of India; and consequently to set aside the impugned notice, dated 09.01.2014, issued by the 2nd respondent.

3. There is no representation on behalf of the petitioners in Writ Petition No.29387 of 2014.

4. *Vide* above impugned notice, the 2nd respondent directed the petitioners therein (respondent Nos.3 and 4 in the present Contempt Case) to remove / dismantle the unauthorized constructions within three (03) days, failing which action would be initiated by it.

5. A perusal of the said impugned notice would go to show that, the petitioners therein (respondent Nos.3 and 4 in the present Contempt Case) have earlier approached the Civil Court, by filing O.S.No.52 of 2012 before the II Additional Junior Civil Judge, Ranga Reddy District; vide order dated 16.02.2012, the Court below disposed of O.S.No.52 of 2012 on its file; and subsequently, in Writ Petition No.33142 of 2013, filed by one Mohd. Amiruddin (petitioner in the present Contempt Case), a learned Single Judge of this Court, vide order dated 20.11.2013 in WPMP.No.41231 of 2013 in Writ Petition No.33142 of 2013, granted interim direction by directing the respondent Nos.4 to 6 therein not to proceed with further constructions in the subject property therein.

6. A further perusal of the said impugned notice would also disclose that the petitioners (respondent Nos.3 and 4 in the present Contempt Case) are executing constructions unauthorisedly; and therefore, the impugned notice came to be issued by the 2nd respondent directing the petitioners to remove / dismantle the unauthorized constructions within three (03) days.

7. Aggrieved thereby, the petitioners (respondent Nos.3 and 4 in the present Contempt Case) filed the present Writ Petition.

8. *Vide* order dated 13.10.2014 passed in WPMP.No.36738 of 2014 in Writ Petition No.29387 of 2014, a learned Single Judge of this Court granted interim suspension of the impugned notice 09.01.2014, issued by the 2nd respondent, pending disposal of the writ petition.

9. On a query by the Court, learned Standing Counsel for the Greater Hyderabad Municipal Corporation, for respondent Nos.1 and 2, submitted that pursuant to the interim suspension granted by the learned Single Judge, they have not taken action on the illegal constructions carried out by the petitioners (respondent Nos.3 and 4 in the present Contempt Case).

Writ Petition No.33142 of 2013 :

10. Aggrieved by the inaction of respondent Nos.1 and 2 in Writ Petition No.29387 of 2014, one Mohd. Amiruddin, claiming to be adjacent owner of the subject property, filed Writ Petition No.33142 of 2013 before this Court, seeking a direction to the respondent Nos.1 to 3 for removal of illegal constructions carried out by the respondent Nos.4 to 6.

11. A learned Single Judge of this Court, vide order dated 20.11.2013 in WPMP.No.41231 of 2013 in Writ Petition No.33142 of 2013, granted interim direction by directing the respondent Nos.4 to 6 therein not to proceed with further constructions in the subject property without sanction plan.

Contempt Case No.1942 of 2014 :

12. Alleging wilful disobedience of the order passed by the learned Single Judge in WPMP.No.41231 of 2013 in Writ Petition No.33142 of 2013, dated 20.11.2013, the present Contempt Case came to be filed by the petitioner against the respondents.

13. Heard Mohd. Asifuddin, learned counsel for the petitioner in Writ Petition No.33142 of 2013 and Contempt Case; the learned Standing Counsel for Greater Hyderabad Municipal Corporation, for respondent-Corporation, in all the cases. None appears for the petitioner in Writ Petition No.29387 of 2014.

14. Learned counsel for the petitioner contended that the respondent Nos.4 to 6 herein (petitioners in Writ Petition No.29387 of 2014, except respondent No.6), without having any valid permission / sanction plan from the respondent-Municipal Corporation have proceeded to raise permanent structures which necessitated the petitioner to file writ petition, viz., Writ Petition No.33142 of 2013, praying for a direction to the respondent-Corporation to remove the illegal constructions carried out by respondent Nos.4 to 6 therein.

15. It is the further contention of learned counsel for the petitioner that even after filing of the present Contempt Case, the respondent Nos.1 to 3 have not taken action on the illegal constructions carried out by respondent Nos.4 to 6 though notice dated 09.01.2014 was issued to

the unofficial respondents by the respondent-Corporation under Section 636 of Greater Hyderabad Municipal Corporation Act, 1955 (impugned in Writ Petition No.29387 of 2014).

16. In view of above submissions, the Writ Petition No.33142 of 2013 is allowed. The respondent Nos.1 to 3 therein are directed to forthwith remove all illegal constructions made by respondent Nos.4 to 6 in pursuance of the notice, dated 09.01.2014, issued under Section 636 of Greater Hyderabad Municipal Corporation Act, 1955 in accordance with law.

17. In view of the order passed by this Court in Writ Petition No.33142 of 2013, no further orders are necessary to be passed in the Contempt Case. Accordingly, the Contempt Case is closed.

18. Since there is no representation on behalf of the petitioners in Writ Petition No.29387 of 2014, the same is dismissed for non-prosecution.

19. In the result,

- (a) the Contempt Case is closed;
- (b) Writ Petition No.33142 of 2013 is allowed; and
- (c) Writ Petition No.29387 of 2014 is dismissed for non-prosecution.

20. No costs.

21. As a sequel, miscellaneous applications pending if any in these batch of cases, shall stand closed.

C.V. BHASKAR REDDY, J

Date : 09.02.2023
Ndr