

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

CONTEMPT CASE No.2140 of 2015

ORDER:

This contempt case is filed alleging wilful violation of the orders dated 27.08.2014 passed in W.P.M.P.No.29618 of 2014 in W.P.No.23644 of 2014.

Vide the above said order this Court directed respondent No.3 to proceed with the construction strictly in accordance with the sanctioned plan and further directed to respondent Nos.1 and 2 to ensure that respondent No.3 completes the construction without deviating from the sanctioned plan.

A counter affidavit has been filed by respondent No.2 stating that immediately after passing of interim orders by this Court, the respondent Corporation has issued notices under Section 452(1) and 461(1) of the Hyderabad Municipal Corporation Act, dated 10.02.2015 seeking explanation from respondent No.3. In turn respondent No.3 has submitted explanation dated 07.04.2015 stating that there are minor deviations which amounts to 0.37% out of permissible limit of 10% of total construction area and filed an application under Section 455 (AA) of the Act, for regularization.

Pending examination of the said explanation, respondent No.3 also filed W.P.No.11507 of 2015 challenging the impugned notice dated 10.02.2015 and this Court granted interim order in W.P.M.P.No.15213 of 2015 in W.P.No.11507 of 2015 directing the Corporation therein not to interfere with possession, enjoyment and construction over the premises by the petitioner. Under these circumstances, they have not issued final notice as required under the provisions of the H.M.C. Act, for removal of deviated portion and the said writ petition is pending for adjudication on the file of this Court and further submitted that there is no wilful and deliberate violation on the part of respondent No.3 since they are not in position to remove the illegal constructions in view of the stay granted by this Court.

In these circumstances, no further orders are necessary in this contempt case. Accordingly, the contempt case is closed. No costs.

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

C.V.BHASKAR REDDY, J

03-02-2023
AQS