

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

Contempt Case No.2248 of 2018

ORDER:

This Contempt Case is filed by the petitioner against the respondent, alleging wilful and deliberate violation of the order passed by a learned Single Judge of this Court in Writ Petition No.37324 of 2017, dated 15.11.2017.

2. *Vide* above order, the learned Single Judge allowed the Writ Petition by setting aside the impugned order therein dated 12.02.2014, and remitted the matter to the 2nd respondent-Commissioner, Mahabubabad Municipality Grade-II, Mahabubabad, Mahabubabad District, with a direction to afford an opportunity of personal hearing to the petitioner and also to produce the documents, if any, on which the petitioner intends to rely on and then consider and dispose of the application for renewal, dated 27.01.2017, of the petitioner within a period of three (03) weeks from the date of receipt of a copy of the order and communicate its decision thereon to the petitioner within a week thereafter; and till such exercise is completed, the

petitioner is directed to maintain absolute *status quo* without making any constructions in the subject plot.

3. Alleging wilful and deliberate disobedience of the above order, the present Contempt Case came to be filed by the petitioners against the respondent.

4. On 31.08.2018, notice was ordered to the respondent in the contempt case, and in response to the said notice, the respondent has filed counter-affidavit on 13.11.2018.

5. In the counter-affidavit, the respondent contended that, as per the records, the then officials of Mahabubabad Municipality had issued construction permission to the petitioner; at the time of commencement of the constructions, the residents of Krishna Colony objected to the same and submitted a written representation with regard to the constructions being carried out by the petitioner; the said residents of Krishna Colony have also approached the Civil Court by filing O.S.No.13 of 2017 before the Principal Junior Civil Judge, Mahabubabad; vide order passed in I.A.No.62 of 2017 in O.S.No.13 of 2017, the Court below granted interim injunction in favour of residents of Krishna Colony; during subsistence of the said

order of interim injunction, the petitioner applied for construction permission in the subject land to the respondent, and after perusal of the documents and duly taking into account the Civil Suit instituted by the residents of Krishna Colony, the application of the petitioner was rejected by the respondent on the ground that, since the civil suit is pending before the lower court and the same is not yet disposed of, it would take appropriate action as and when the said suit is disposed of by the court below; and therefore contended that, in view of serious disputes with regard to identification of localisation of the subject land as claimed by the petitioner and also similar claims of residents of Krishna Colony, the respondent has not taken any decision on the application of the petitioner for granting building permission and, as and when the civil suit is disposed of by the Court below, it would take appropriate action in accordance with law.

6. Recording the said submissions, this Court is of the considered view that the present Contempt Case may be closed by giving liberty to the petitioner to revive the contempt case, if any cause survives in the contempt case, by availing appropriate remedy. No costs.

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

C.V. BHASKAR REDDY, J

Date : 17.02.2023
Ndr