

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

Contempt Case No.2109 of 2017

ORDER:

This Contempt Case is filed by the petitioner alleging wilful disobedience of the order passed by a learned Single Judge of this Court in Writ Petition No.21536 of 2017, dated 03.07.2017.

2. *Vide* above order, the learned Single Judge directed 1st respondent therein to consider the representation, dated 10.04.2017, of the petitioner and take appropriate action in accordance with law regarding illegal constructions, alleged to have been made by 3rd respondent therein, as expeditiously as possible.

3. Alleging wilful disobedience of the above order of the learned Single Judge, petitioner has filed the Contempt Case against the respondent.

4. Counter-affidavit has been filed by the respondent herein contending that the respondent-Corporation had issued notice dated 03.01.2018 to the 3rd respondent in the Writ Petition, under Section 452(1) and 461(1) of the Greater Hyderabad Municipal Corporation Act, 1955 **(for short, 'the Act')**; when the 3rd respondent did not reply to

the said notice, the respondent-Corporation again issued another dated 10.01.2018 under Section 452(2) of the Act and also final notice dated 16.01.2018 under Section 636 of the Act, but of no avail; thereafter, the respondent-Corporation has fixed 19.01.2018 as the date for demolition of the constructions carried out illegally by the 3rd respondent; in those circumstances, the respondent-Corporation had also addressed a letter to the Station House Officer, Musheerabad Police Station with a request to provide police protection; but the Police replied stating that they are not in a position to provide police protection as they were busy with “Samagranerasthula Survey” at that point of time; therefore, the respondent-Corporation could not proceed with demolition of the constructions carried out illegally by the 3rd respondent as per the date fixed by it; and therefore, contended that as and when the police would provide protection, they would remove the illegal constructions.

5. The respondent further contended that non-compliance of the above order passed by the learned Single Judge of this Court is neither wilful, intentional or deliberate; and therefore, there are no merits in the Contempt Case, and the same is liable to be dismissed.

6. Mr. K. Ravinder Reddy, learned Standing Counsel appearing for the respondent-Corporation, is also not in a position to submit the present status as regards removal of illegal constructions.

7. In view of above factual position, this Court is of the considered view that the present Contempt Case can be closed by directing the respondent-Corporation to remove the illegal constructions duly in accordance with law as per the undertaking given in the counter-affidavit filed by the respondent-Corporation, dated 02.01.2018, and comply with the same. However, it is open to the petitioner to seek revival of the Contempt Case in accordance with law, if any cause survives therein.

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 : 09.02.2023
Ndr