

IN THE HIGH COURT OF TELANGANA AT HYDERABAD**C.C.NO.1310 OF 2023****Between:**

Abul Fath Syed Shah Hassan Shabbir

... Petitioner

And

Masiullah Khan and others

... Respondents

JUDGMENT PRONOUNCED ON: 29.11.2023**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes
see the fair copy of the Judgment?

SUREPALLI NANDA, J

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

C.C.NO.1310 OF 2023

% 29.11.2023

Between:

Abul Fath Syed Shah Hassan Shabbir

..... Petitioner

And

\$ Masiullah Khan and others

... Respondents

< Gist:

> Head Note:

! Counsel for the Petitioner : Mrs Shaik Zahed Amoodi

^ counsel for Respondents : Mr B.Mayur Reddy

? Cases Referred:

HON'BLE MRS JUSTICE SUREPALLI NANDA**C.C.NO.1310 OF 2023****ORDER:**

Heard Mr Shaik Zahed Amoodi, learned counsel appearing on behalf of the petitioner and Mr B.Mayur Reddy, learned counsel appearing on behalf of respondents.

2. This contempt case is filed complaining violation of the orders of this Court dated 14.06.2023 passed in W.P.No.14398 of 2023.

3. The operative portion of the said order dated 14.06.2023 passed in W.P.No.14398 of 2023, reads as under:

"4. Taking into consideration the above referred submission of both counsel, the writ petition is disposed off directing the respondent Nos.2 and 3 to consider the petitioner's representations dated 05.09.2022, 12.05.2023 and 30.05.2023 in accordance to law, duly complying with principles of natural justice, and pass appropriate orders on or before 23.06.2023, duly communicating the decision to the petitioner. However, there shall be no order as to costs."

4. Paras 5 and 6 of the counter affidavit filed by respondent No.2 in C.C.No.1310 of 2023, read as under:

"5. It is further humbly submitted that as per order of the Hon'ble Court direction to pass the appropriate order on or before 23.06.2023. The respondent No.2/Chief Executive Officer, passed the order on 21.06.2023 and was dispatched on same day i.e. 21.06.2023 through speed post. So there is no question of willful default in passing the order and dispatching the letter to the writ petitioner.

6. It is most respectfully submitted that, in view of the facts and circumstances narrated above the contemnors / respondents have not disobeyed the orders of the Hon'ble High Court and further respectfully submit that no such incidents would take place in future to make any delay in communication of any proceedings which leads to proceed against the contemnors/ respondents under contempt proceedings. However this respondent tenders an unconditional apology and prays this Hon'ble Court to drop further proceedings."

5. Para 5 of the counter affidavit filed by respondent No.2 in I.A.No.2 of 2023 in C.C.No.1310 of 2023 in W.P.No.14398 of 2023, reads as under:

"5. It is respectfully submitted that this Hon'ble Court directed the Respondents herein to consider the representations of the Petitioner dt. 05-09-2022, 12-05-

2022 and 30-05-2022 in according with law, duly complying with principles of natural justice. Therefore the Respondents upon considering the said representations dt.05-09-2022, 12-05-2022 and 30-05-2022, passed order on 21-06-2023 and intimation was sent to the Petitioner through speed post. As per the humble understanding of the Respondents, there was no specific direction to the Respondents to give personal hearing on the representations of the petitioner.

6. It is specifically contended by the learned counsel appearing on behalf of respondents 1 and 2 that in view of the fact that the order dated 14.06.2023 passed in W.P.No.14398 of 2023 did not specifically indicate an opportunity of personal hearing to the petitioner, therefore, no opportunity of personal hearing was given to the petitioner and therefore, it cannot be said that respondent Nos. 1 and 2 have violated the order of this Court dated 14.06.2023 passed in W.P.No.14398 of 2023.

7. Taking into consideration the averments made at paras 5 and 6 of the counter affidavit filed by the respondent No.2 in the present contempt case and also the averments made in para 5 of the counter filed by respondent No.2 in I.A.No.2 of 2023 in C.C.No.1310 of 2023 in W.P.No.14398 of 2023 (referred to and

extracted above), this Court opines that there is no deliberate violation of the orders of this Court dated 14.06.2023 passed in W.P.No.14398 of 2023 and accordingly, the contempt case is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

SUREPALLI NANDA, J

Date: 29.11.2023

Note: L.R.Copy to be marked.

b/o

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