

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contempt Petition No.197 of 2013

P.Mahalingam
S/o.Parasuraman

...Petitioner

-Vs-

1.Thanavel, I.A.S.,
Chairperson and Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited,
Paulwel's Road,
Kathipara Junction,
Chennai - 600 032.

2.Palanisamy,
Project Officer,
Tamil Nadu Small Industries Development
Corporation Limited,
Guindy, Chennai - 600 032.

...Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.8056 of 2007 dated 12.08.2010 as per the Contempt of Court Act.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.V.P.Sengottuvel

O R D E R

The petitioner has filed this Contempt Petition,

<https://hcservices.ecourts.gov.in/hcservices/>

alleging willful disobedience of the order and direction

issued by this Court in W.P.No.8055 and 8056 of 2007 dated 12.08.2010. The said writ petition was allowed and the following direction was issued:

"In the result, the Writ Petitions are allowed and the respondents are directed to obtain appropriate orders from the Government/Competent authority and consequently hand over the plot No.P.K.15, Guindy Industrial Estate, Chennai to the petitioner which was allotted to the petitioner by the order of allotment dated 18.08.1995, as has been done in respect of the allottee of plot No.P.K.12, Guindy Industrial Estate, Chennai. The respondents are directed to consider and pass orders in this regard as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order. No costs."

सत्यमेव जयते

2. The Contempt Petition has been filed by the petitioner on 26.11.2012 alleging that the respondents have not complied with the above order. The respondents did not take any efforts to pass orders within a period of three months from the date of receipt of the Writ Petition and no order is given to the petitioner as per the order passed by this Court. The petitioner further alleged that certain

<https://hcservices.ecourts.gov.in/hcservices/> letters were obtained from the petitioner and memorandum of understanding was also asked to be signed for a lesser

extent of property. It is seen from the typed set of papers filed by the respondents that after the orders was passed by this court, the petitioner has submitted a representation on 12.11.2010 agreeing to accept the extent of 4167 Sq. ft. and requested for payment of compensation. Pursuant thereto, the plot has been handed over to the petitioner measuring an extent of 4501 sq. ft. It is evident from the proceedings and they handing over the charge and taking over papers, in which the petitioner has signed. The fact that the petitioner has taken over the plot in question has not been specifically sated in the Contempt Petition. However, the petitioner allege that the respondents have disobeyed the orders and direction.

3. In my view, there is no willful disobedience of the order issued by this Court and the respondents have complied with the order and the only dispute is with regard to the extent of the property. The petitioner has also accepted the plot and he has taken over the plot measuring an extent of 4501 sq. ft. Therefore, no contempt is made out.

4. The learned counsel for the respondents Corporation submits that the compensation for the deficit of the land area will be paid to the petitioner within a period of four weeks. The said submission is placed on record.

5. Accordingly, while closing the Contempt Petition, there will be a direction to the respondents to pay compensation for the deficit extent of the land to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

Vsm

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/06/07/2015

One CC to Mr.V.Sengottuvel, Advocate, SR.7338

One CC to Mr.D.Veerasekaran, Advocate, SR.7395

To

1. Chairperson and Managing Director,
Tamil Nadu Small Industries Development
Corporation Limited,
Paulwel's Road,
Kathipara Junction,
Chennai - 600 032.

2. Palanisamy,
Project Officer,
Tamil Nadu Small Industries Development
Corporation Limited,
Guindy, Chennai - 600 032.