

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED 21.01.2016****CORAM****THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN****Cont.P.No.2406 of 2015**

Chennai Pushpa Viyabarigal and
Commission Agentugal Sangam,
Rep by its President Mr.Uthappan,
No.18/2, Gangaianman Koil Street,
T.Nagar, Chennai-600 017.
and also
FA-11, Kamarajar Malar Angadi,
Koyambedu, Chennai-92. ... Petitioner

Vs.

Mr.A.Karthick, I.A.S.,
The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008. ... Respondent

Prayer:- Contempt Petition filed under Section 11 of the
Contempt of Courts Act, seeking to punish the respondent
for willful disobedience of the order passed by this Court
in W.P.No.10852 of 2015 dated 15.04.2015.

For Petitioner : Mr.M.Kempraj

For Respondent : Mr.K.Rajasrinivas
Standing Counsel for CMDA

Mr.N.Manoharan for Intervenor

O R D E R

Heard the submissions of the learned counsel appearing
for the petitioner, who alleges contempt of the order dated
15.04.2015 made in W.P.No.10852 of 2015 for the reason that
the respondent has not complied with the order.

2. This Court, vide order dated 15.10.2015, has ordered private notice to the respondent as well as to serve notice on Mr.M.Karthikeyan, learned counsel, who appeared for CMDA at the time of passing orders in the writ petition. Thereafter, the matter was adjourned for reporting compliance and counter affidavit was filed and this Court, on perusal of the counter affidavit found that no worthwhile proper action appears to have been taken and also recorded the submission of the learned counsel appearing for the respondent/contemnor who prayed for one more indulgence to evict the unauthorized flower vendors and therefore, adjourned the matter for filing Action Taken Report and also for reporting compliance.

3. Action Taken Report has been filed by the respondent/contemnor and it is their stand in para 3 of the said report that a total number of 130 traders were carrying out wholesale flower trade in Badrian Street and were operating from 72 shops and CMDA were able to lock and seal 57 shops, wherein around 85 traders were carrying out wholesale flower business and that the shops operated by 80% of the wholesale flower traders have been locked and sealed by CMDA on 18.01.2016.

4. Counter affidavit has also been filed on behalf of the respondent wherein it has been stated that some of them had moved the City Civil Court with a suit for permanent injunction and no interim orders were granted and in order

to implement the orders passed by this Court, a Joint Committee Meeting have to be convened with police officials and Corporation officials to finalize the eviction process and the eviction of unauthorized Badrian Street Wholesale Traders will be carried out immediately and since the eviction process needs cooperation from Police Personnel and Corporation Officials, two months time may be required and the steps taken by CMDA and time required for completing the eviction process was duly informed to the petitioners vide letter No.K2/6035/2014 dated 15.12.2015.

5. It is the submission of the learned counsel appearing for the respondent that by virtue of the Action Taken Report as well as the counter affidavit of the respondent, the order passed by this Court has been complied with.

6. Mr.N.Manoharan, learned counsel appearing for the intervenors, who are said to be affected by the acts initiated by the respondent, prays for intervention in this petition by submitting that admittedly most of them had filed Civil Suits on the file of the City Civil Court and by virtue of the undertaking given by the respondent herein, the suit itself can be disposed of and taking advantage of the same, eviction action is being initiated by the respondent herein and the said act is wholly unsustainable. It is the submission of the learned counsel appearing for the intervenors that one of the affected

person has filed W.P.No.1135 of 2016 as against eviction process and obtained interim orders and many more writ petitions are going to be filed and prays for time to file application for intervention.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.

8. In para 5 of the order dated 15.04.2015 made in W.P.No.10852 of 2015, which is the subject matter of contempt, it was ordered as follows:

"5. Considering the submissions made by the learned counsel appearing for the petitioner, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 31.01.2015 after putting notice to the petitioner concerned and pass orders on merits and in accordance with law, as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as the concerned persons."

9. It is the stand of the respondent/contemnor that they have fully complied with the order passed by this Court, whereas it is the stand of the learned counsel appearing for the intervenors that the order passed by this Court has been purposefully misinterpreted and the petitioner herein is also guilty of suppression of material facts. However, this Court, in exercise of its

limited scope in contempt jurisdiction, is not inclined to go into the same and also for the reason that the aggrieved persons had already moved this Court by filing writ petitions and any observations made herein may prejudice their claim and interest.

10. In the light of the above, no further orders are necessary in this Contempt Petition. Hence, this Contempt Petition is closed.

jvm

Note: Registry is directed to issue copy of this order to the learned counsel appearing for the intervenor also on payment of necessary charges.

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2016.

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/29/01/2016

One CC to Mr.K.Raja Srinivas, Advocate, Sr.No.907

One Cc to Mr.M.Kempraj, Advocate, Sr.No.972

To
Mr.A.Karthick, I.A.S.,
The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-600 008.