

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.6.2016

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

Contempt Petition No.13 of 2016

N.Mynavathi ... Petitioner

Vs.

1. Vikram Kapur, IAS
Greater Corporation of Chennai
Rippon Building
Madras 600 003.

2. M.Govindaraju
The Assistant Executive Engineer
Corporation Zone IV, Unit 9
Krishnamurthy Salai
Kodungaiyur
Chennai 600 118.

3. Venkatraman
The Tahsildar
Perambur Taluk
Chennai 600 011.

... Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971, against the alleged wilful disobedience of the order dated 15.3.2015 made in Contempt Petition No.1391 of 2015 on the file of this Court.

For Petitioner : Mr.K.Mohanamurali
For Respondents 1 & 2 : Mr.P.H.Arvind Pandian,
Addl.A.G.
For Mr.Arunmozhi
For Respondent-3 : Mrs.A.Srijayanthi

ORDER

(Made by Huluvadi G.Ramesh, J)

The petitioner has come up with this contempt petition
<https://hcservices.ecourts.gov.in/hcservices/>
alleging non compliance of the order dated 28.9.2015 made
in Contempt Petition No.1391 of 2015.

2. The petitioner has filed Contempt Petition No.1391 of 2015 contending that the order dated 05.3.2015 made in W.P.No.4121 of 2015 directing to remove the encroachment has not been complied with. Since the Corporation sought two more weeks time to comply with the order, as they have decided to conduct an enquiry on 01.10.2015, the Division Bench of this Court, granted two weeks time from the date of the order and closed the contempt petition. Complaining that the said order has not been complied with, the petitioner has come up with the present contempt petition.

3. On 28.4.2016, when the matter was taken up for consideration, the learned Additional Advocate General sought one week time to comply with the order dated 05.3.2015 and one week time was granted subject to the deposit of a sum of Rs.20,000/- to the credit of this contempt petition.

4. A perusal of the report filed by the second respondent would show that the encroachers were making repeated representations to the respondents, in order to protract the proceedings and therefore, the order dated 05.3.2015 could not be implemented by the respondents. Thus, the non compliance of the order by the respondents is not deliberate. Therefore, the cost, namely Rs.20,000/-, paid on behalf of the respondents 1 and 2 on 05.5.2016 to

the credit of this contempt petition, shall be returned to the respondents 1 and 2, within one week from the date of receipt of a copy of this order.

5. In W.P.No.18857 of 2016, W.P.No.18871 of 2016 and W.P.No.18905 of 2016, this Court, today, directed the Corporation to remove the encroachment on 13.7.2016, in the presence of the encroachers. Therefore, no further order is required in this contempt petition and accordingly, this petition is closed.

SD/-
JOINT REGISTRAR(OS)

kpl

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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VM/CO/27/06/2016

To

1. Vikram Kapur, IAS,
Greater Corporation of Chennai,
Rippon Building, Madras 600 003.
2. M.Govindaraju,
The Assistant Executive Engineer,
Corporation Zone IV, Unit 9,
Krishnamurthy Salai, Kodungaiyur, Chennai 600 118.
3. Venkatraman,
The Tahsildar,
Perambur Taluk, Chennai 600 011.
4. The Commissioner,
Corporation of Chennai, Chennai.

5. The Section Officer,
Account Section, High Court, Madras.

1. One CC to M/s. Arunmozhi, Advocate, Sr.No.6660/2016.
2. One CC to M/s. K. Mohanamurali, Advocate, Sr.No.6656/2016.