

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.8.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.1306 of 2016
& WMP.No.21652 of 2016 in WP.No.27819 of 2014

M.Arumugam

...Petitioner in
Cont.P. & R1 in
WMP.

The Commissioner, Raniket Municipality,
Ranipet, Vellore District.

...Petitioner in WMP

Vs

1.The State of Tamil Nadu, rep.by its
Secretary, Municipal Administration
& Water Supply Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.

...R1 in Cont.P. &
R2 in WMP

2.Parijatham, Commissioner, Ranipet
Municipality, Ranipet, Vellore District.

...R2 in Cont.P.

PETITION under the Contempt of Courts Act to initiate contempt proceedings against the respondents herein and punish them for their wilful disobedience of the order of this Court dated 17.3.2015 passed in MP.No.1 of 2015 in W.P.No.27819 of 2014.

For Petitioner in Cont.P. &
Respondent-1 in WMP :

Ms.S.P.Arthi

For Respondent-1 in Cont.P. &
Respondent-2 in WMP : Mr.S.Diwakar, SGP

For Respondent-2 in Cont.P. &
Petitioner in WMP : Mr.P.S.Sivashanmugasundaram

COMMON ORDER

The above contempt petition has been filed alleging wilful disobedience of the order and direction issued in M.P.No.1 of 2015 in W.P.No.27819 of 2014 dated 17.3.2015.

2. In fact, this order was an order passed by this Court modifying/clarifying the order passed in the main writ petition. Even the writ petition was disposed of by the order dated 17.3.2015, the operative portions of which, read as follows :

"13. From the above facts stated above, it is clear that the petitioner was the person, who delayed the implementation of the Government Order at the first instance, since he sought for remittance of sale consideration in monthly instalments, which was not provided under the Government Order. The second respondent Municipality is also partially to be blamed for entertaining such a request and keeping the matter pending for nearly two years i.e. till 29.8.2013, when they intimated the petitioner i.e. request is not feasible for consideration. However, the petitioner did not challenge this communication dated 29.8.2013 or the subsequent

communication dated 18.2.2014, but approached this Court challenging the communication dated 9.9.2014. Thus, considering the entire facts of the case, this Court is of the view that the petitioner is entitled to purchase the property, pursuant to the Government Order on payment of the sale consideration calculated at the 'prevailing rate' as on 29.8.2013 and such remittance shall be in one single instalment.

14. Accordingly, the writ petition is partly allowed and the second respondent is directed to intimate the petitioner as to the guideline value of the property as on 29.8.2013 and grant reasonable time to the petitioner to remit the amount in one single instalment together with other charges and duties, if any and thereafter, the sale deed shall be executed and registered in the name of the petitioner."

3. After the disposal of the writ petition, subsequently, the writ petitioner filed a miscellaneous petition in M.P.No.1 of 2015 seeking to modify the order dated 17.3.2015 by directing the second respondent namely the Commissioner for accepting the guideline value as on 29.8.2013. Accordingly, the order was clarified on 21.7.2015 to the effect that whatever is the guideline value as on 29.8.2013 as applicable to residential premises should be reckoned. Alleging wilful disobedience of the order dated 17.3.2015, the above contempt petition has been filed.

T.S.SIVAGNANAM,J
RS

4. The Commissioner, Ranipet Municipality filed WMP.No.21652 of 2016 seeking to modify the order dated 21.7.2015 made in M.P.No.1 of 2015 in W.P.No.27819 of 2014 and to pass a conditional order fixing time limit for registration. From the affidavit, it is stated that the writ petitioner is not coming forward to get the sale deed registered, but only insisting registration at the rate of Rs.100/- per sq.ft. As pointed out earlier, the guideline value, based on which, the stamp duty has to be remitted, is the guideline value as on 29.8.2013. This was not only specifically fixed in the order dated 17.3.2015, but also clarified at the instance of the writ petitioner in the order dated 21.7.2015. Therefore, if the petitioner wants the property, he should accept the guideline value, which is prevailing as on 29.8.2013.

5. Hence, the writ petitioner shall appear before the respondent Municipality within a period of three weeks from the date of receipt of a copy of this order and make necessary payments, so that the sale deed can be executed in his favour.

6. With the above direction, the contempt petition is closed. Consequently, the above WMP is disposed of.

08.8.2016

Internet : Yes

Cont.P.No.1306 of 2016 &
WMP.No.21652 of 2016 in
WP.No.27819 of 2014