

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.06.2016

CORAM

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

CONTEMPT PETITION NOS. 1372 OF 2016 & 2196 OF 2015
W.P. NO. 13409 OF 2016
SUB APPLICATION NO.221 OF 2016
AND
W.M.P. NOS. 11758 & 11760 OF 2016

P.S.Maran ... Petitioner in Cont Ptn. 2196/15

- Vs -

1. A.Karthik
Member Secretary
Chennai Metropolitan Development Authority
No.8, Gandhi Irwin Road, Egmore, Chennai 600 008.

2. Vikram Kapoor
Commissioner, Corporation of Chennai
Ripon Building, Chennai 600 003.
... Respondents in Cont Ptn.2196/15

M.Ashok Kumar ... Petitioner in Cont Pt. 1372/16

- Vs -

1. Dr.Chandramohan, I.A.S.
Commissioner, Corpn. Of Chennai
Ripon Buildings, Chennai - 2.

2. Dr. Subodh Kumar, I.A.S.
Regional Dy. Commr. (Central)
Corpn. Of Chennai, Regional Office -Central
Door No.36b, 2nd Cross Street
Pulla Avenue, Shenoy Nagar, Chennai 40.

3. Soundarajan
Executive Engineer,
TP Enforcement (Central),
Corporation of Chennai, Regional Office-Central
Door No.36b, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai 600 040.
.. Respondents in Cont Pt. 1372/16

M.Ashok Kumar .. Petitioner in WP 13409/16

- Vs -

1. The Government of Tamil Nadu
rep. By its Secretary
Housing & Urban Development
Chennai 600 009.

2. Corporation of Chennai
rep. By its Commissioner
Ripon Buildings, Chennai 600 002.

3. The Executive Engineer
TP Enforcement (Central)
Corporation of Chennai
Regional office Central, 2nd Cross St.
(East) Pulla Avenue
Shenoy Nagar, Chennai 600 040.

4. K.V.Kalyani .. Respondents in WP 13409/16

(R4 is impleaded as per order dated 27.06.2016 by The Hon'ble
Mr. Justice **HULUVADI G.RAMESH AND The Mr. Justice**
M.V.MURALIDARAN in WMP 13928 of 2016 in W.P. No.13409 of 2016)

Contempt Petition No.2196 of 2015 filed under Sections 11 &
12 of the Contempt of Courts Act, praying to punish the
respondents for having committed contempt of court for
disobeying the order dated 4.6.15 made in W.P. No.8030 of 2015.

Contempt Petition No.1372 of 2016 filed under Sections 11 &
12 of the Contempt of Courts Act, praying to punish the
respondents for having committed contempt of court for
disobeying the order dated 7.4.16 made in W.M.P. No.11759 in
W.P. No.13409 of 2016.

W.P. No.13409 of 2016 filed under Article 226 of the
Constitution of India praying this Court to issue a writ of
certiorarified mandamus calling for the records relating to the
Locking & Sealing & Demolition Notice bearing Ref.
No.REGIONCENTRAL/TPENF/0711/2016 dated 19.02.2016, 22.02.2016

and 23.03.2016 issued by the 3rd respondent, quash the same as being illegal, arbitrary and contrary to the order dated 4.6.15 passed in W.P. No.8030 of 2015 and for a consequential mandamus to the respondents to drop all further proceedings pursuant to the impugned notice dated 19.02.2016, 22.02.2016 and 23.03.2016.

For Petitioner : Mr. L.Dhamodaran in Cont Ptn.2196/15
Mr. N.G.R.Prasad, for M/s.Row & Reddy
in Cont Ptn. 1372/16 & WP 13409/16

For Respondents: Mr. N.Sampath for R-1 in Cont Ptn. 2196/15
Mr. P.H.Arvind Pandian, AAG, asstd. By
Mr. V.C.Selvasekaran for R-2 in
Cont Ptn. 2196/15
& RR-2 & 3 in WP 13409/16 and R3 in
Cont.P.No.1372/16
P.S.Sivashanmugasundaram, Spl.G.P. For RR-1 & 2
in Cont Ptn.1372/16, R-1 in WP 13409/16
& R-3 in Cont Ptn.1372/16

COMMON ORDER

(DELIVERED BY HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. It appears that without notice to the petitioner in W.P. No.8030/15, there was an order for locking & sealing of the premises on the basis of a writ petition filed by a third party, who sought for direction on the ground of alleged violation of building plan, etc. In this regard, it is informed that a suit has also been filed and it has been decreed and in the appeal also an order came to be passed.

3. Be that as it may. The contention of the writ

action is sought to be taken by the respondents/authorities against the petitioner and, therefore, contempt petition has been filed for violation of the directions issued.

4. In the facts and circumstances of the case, the very order passed for locking and sealing by the respondents/authorities, it appears, is without giving sufficient opportunity to the petitioner. In such a background, without going into the contentions and counter contentions of the parties, while closing the contempt proceedings sought to be initiated, this Court hereby directs the respondents/authorities to dispose of the appeal filed within a period of two months, which is pending consideration. In the meanwhile, the very act of locking and sealing of the premises, initiated by the respondents/authorities is set aside and the respondents/authorities are directed to have the premises opened and further allow the third party/tenant, who was in the premises, to remove the properties belonging to him. Further, the appeal that is pending consideration, filed by the petitioner, before the respondents/authorities shall be disposed of, as ordered earlier, within two months from the date of receipt of a copy of this order.

5. With the above observations and directions the contempt petitions are closed. Consequent upon closure of the contempt petitions, the writ petition is also disposed of.

Consequently, connected miscellaneous petitions are also closed.
However, there shall be no order as to costs.

GLN

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)
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CO/26/07/2016

One CC to M/S.Row & Reddy, SR.7634/2016
One CC to Mr.L.Dhamodaran, Advocate, SR.7671/2016

TO

1. The Commissioner, Corpn. Of Chennai
Ripon Buildings, Chennai - 2.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
Egmore, Chennai 8.
3. The Regional Dy. Commr. (Central)
Corpn. Of Chennai, Regional Office -Central
Door No.36b, 2nd Cross Street
Pulla Avenue, Shenoy Nagar, Chennai 40.
4. The Executive Engineer,
TP Enforcement (Central),
Corporation of Chennai, Regional Office-Central
Door No.36b, 2nd Cross Street,
Pulla Avenue, Shenoy Nagar,
Chennai 600 040.
5. The Govt. of Tamil Nadu,
Rep. By its Secretary,
Housing & Urban Development,
Chennai 9.