

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

Contempt Petition No.46 of 2016

Starlite Residency Owners Welfare Association
represented by its Secretary
M.A. Nizamudeen
No.120/27, Starlite Residency
Majestic Colony Main Road
Chowdry Nagar, Valasaravakkam, Chennai 600 087

.. Petitioner

Vs.

Mr. Vikram Kapoor
Commissioner
Corporation of Chennai
Ripon Buildings
Park Town, Chennai 600 003

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, seeking to punish the respondent/2nd respondent herein for disobeying disrespecting of there by committed contempt of the order dated 03.09.2015 passed in W.P. No.21336 of 2015.

For petitioner Mr. K. Ramakrishna Reddy

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This contempt petition is filed alleging non-compliance of the order dated 03 September 2015 rendered in W.P. No.21336 of 2015.

2 Earlier, the petitioner filed a writ petition in W.P. No.21336 of 2015 seeking a writ of mandamus directing the respondents to remove the ground floor flat in both "A" and "B" blocks, III floor flat put up over and above flat no.5 of "A" block, thereby making the said flat as duplex flat and the superstructure put up over the terrace of the "A" block of the premises viz., Starlite Residency, bearing Door No.120/27, Majestic Colony Main Road, Choudry Nagar, Valasaravakkam, Chennai 600 087.

3 This Court, disposing of the said writ petition on 03 September 2015, directed the respondent herein, viz., Commissioner, Corporation of Chennai, to monitor the enforcement action taken by the Regional Deputy Commissioner, Adyar, in the subject matter to ensure that proceedings are taken to its logical conclusion.

4 According to the learned counsel for the petitioner, while taking action against the property belonging to the third respondent therein, the authorities have proceeded to lock and seal the petitioner's property as well, which act is tantamount to contempt of Court.

5 We are afraid that this stand of the learned counsel for the petitioner does not have legs to stand, for, locking and sealing of the petitioner's property was not the subject matter

of the writ petition being W.P. No.21336 of 2015. The alleged act of the authorities in locking and sealing the petitioner's

property gives rise to an independent cause of action. Thus, we are of the considered view that no case is made out for contempt.

Accordingly, the contempt petition stands dismissed.

cad

SD/-
DEPUTY REGISTRAR (OS)

//Certified to be true copy//

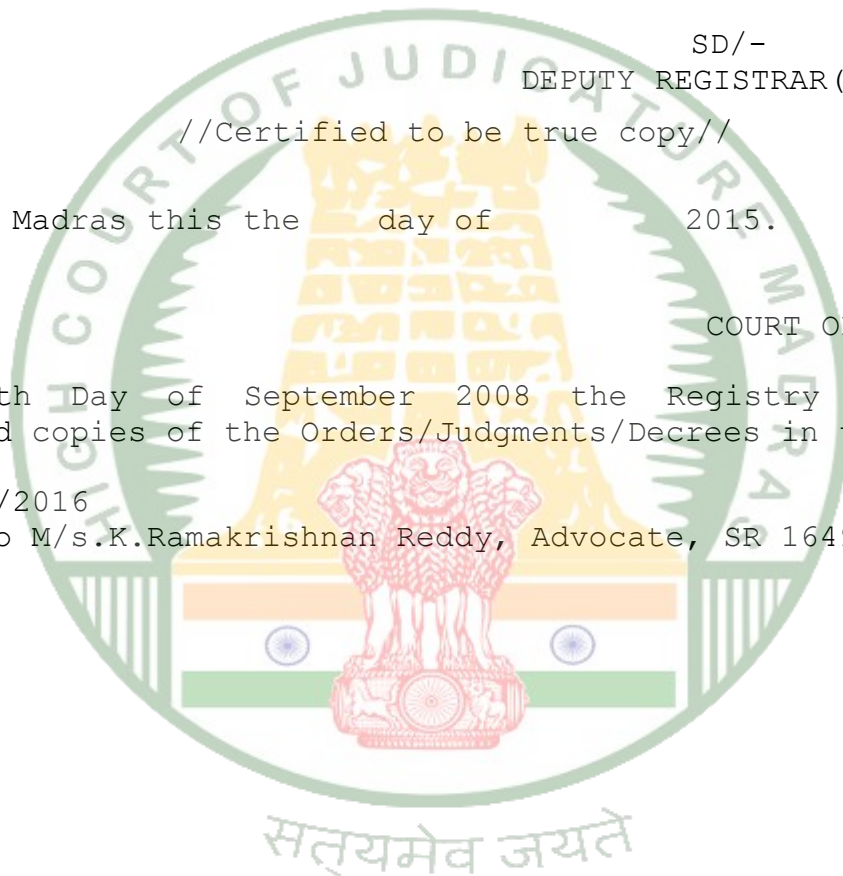
Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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CO/04/04/2016

One CC to M/s.K.Ramakrishnan Reddy, Advocate, SR 1649/16



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