

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 04.08.2016

Date of verdict: 10.08.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Contempt Petition No.825 of 2016

No.90, Kattavakkam Village Panchayat,
rep. by its President R.Narasimman ... Petitioner

vs.

Rajamannar Ramasamy,
Inno Geo City,
Oragadam City Developers (P) Ltd.,
rep. by its Executive Director,
No.05, Giri Street, T.Nagar,
Chennai-17. ... Respondent

Contempt petition has been filed under Section 11
of the Contempt of Courts Act, 1971 to punish the
respondent for not obeying the order of this Court dated
8.12.2015 made in W.P.No.37169 of 2015.

For Petitioner : Mr.P.Mani

For Respondent : Mr.K.P.Sanjeev Kumar,
for M/s.OJAS LAW FIRM

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ORDER

The writ petition in W.P.No.37169 of 2015 was
filed by the President of No.90 Kattavakkam Village
Panchayat seeking a writ of mandamus, directing the
respondents herein to consider the petition dated
28.10.2015 filed by them for police protection on 9.11.2015
or any other subsequent dates for the petitioner and

provide sufficient police protection to the petitioner and to its officials to enter into the area encircled within the compound of Inno Geo City, Vilagam Village, Walajabad Taluk, Kancheepuram District, for inspecting the houses constructed in Sector No.1 to note down the measurement of each houses, materials used thereon, such as wood, flooring, electrical fittings and any other amenities provided in the row of houses constructed therein and handed over by the 14th respondent to the owners including the respondents 4 to 13 for the purpose of fixation of property tax in respect of the aforesaid houses by the petitioner.

2. When the matter was taken up for consideration on 8.12.2015, it was represented on behalf of the respondent herein, by filing counter that it is the petitioner who is the President of the Panchayat, is not cooperating and refusing to assess the taxes for the house encircled within the compound of the respondent. Further, the respondent herein had also filed an affidavit of undertaking in the main writ petition stating that they are ready to cooperate with the petitioner to assess the property tax in respect of the houses occupied by the respondents 4 to 13 in the main writ petition. Hence, recording the said undertaking, the writ petition was closed. Now, the petitioner has come forward with the present contempt petition alleging that in spite of the

undertaking given by the respondent, the respondent has not provided any materials or opened the locks put up in 497 houses constructed by them and is not cooperating with the petitioner to inspect the property.

3. But, this fact was denied by the learned counsel appearing for the respondent by filing a detailed counter. Further, the learned counsel appearing for the respondent submitted that already the petitioner has inspected the houses and assessed property tax for them. In fact, on 18.4.2016, the respondent has received 13 demand notices from the panchayat demanding payment of house tax for 13 units and all the said notices were challenged before the Assistant Director of Panchayat, Kancheepuram. The respondent has also sent 13 demand drafts that was collected from their customers for part payment of tax. In this regard, the respondent has also produced a bunch of demand notices received by them. Further, learned counsel submitted that the respondent is ready and willing to cooperate with the petitioner for inspection of the property. Thus, the respondent has sought for the dismissal of the contempt petition.

4. Keeping the submission made on either side, I have carefully gone through the entire materials available on record.

5. According to the learned counsel appearing for the petitioner, the respondent is not cooperating with them to inspect the property and assess the property tax. But the said statement was denied by the respondent by producing a bunch of demand notices, which were issued only after field inspection by the petitioner. On a perusal of the demand notices produced by the respondent, prima facie, it appears, that the respondent has already allowed the petitioner to inspect the property. But, the learned counsel appearing for the petitioner denies the said fact. In the contempt proceedings, this Court cannot conduct any roving enquiry with regard to the disputed fact, since it appears that the property was already assessed. Hence, I do not find any merit in this contempt petition and hence, the contempt petition is closed.

Sd/-
JOINT REGISTRAR(OS)

sbi

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/24/12/2015

One CC to M/S.OJAS LAW FIRM, Sr.No.9852/2016