

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.10.2016

Coram:

The Honourable Mr. Justice **M.M.SUNDRESH**

Contempt Petition No.841 of 2016

Annai Lourd Educational Trust rep. By
its Secretary M.Kanaka Bai (Since deceased)
D.Vargease ... Petitioner

Vs.

Mathivanan,
Commissioner,
Avadi Municipality,
Avadi, Chennai - 54. ... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971, to punish the respondent
herein for not obeying the orders of this Court in M.P.No.1
of 2015 in W.P.No.9868 of 2015 dated 12.10.2015.

For Petitioner : Mr.R.Thiagarajan, Sr. Counsel
for Mr.P.Chandrasekaran

For Respondent : Mr.P.Srinivas

ORDER

Alleging that the order passed by this Court in
granting an order of status quo by taking note of the
proceedings of the Tahsildar, dated 16.12.2011 in favour of
the petitioner, as confirmed by the civil Court in
O.S.No.165 of 2013 dated 05.12.2013, the present contempt
petition has been filed.

2.Learned senior counsel appearing for the petitioner submits that the order passed by the Tahsildar, Poonamallee dated 22.08.2011 granting permission to the petitioner to use the extent of 1.98.5 hectares in Survey Nos.210 and 239 situated in Vilinjiyambakkam Village, Poonamallee Circle, stands as of now. The decree granted in O.S.No.165 of 2013 has to be seen in terms of the order passed by the Tahsildar. Now the respondent municipality is going on with the construction in the aforesaid area with impunity. Hence the contempt petition has been filed.

3.Learned counsel for the respondent submits that the construction has been put up in Survey Nos.206 and 209 and not in Survey Nos. 210 and 239 as alleged. The construction has already been over in the month of June 2015. The contractor was paid a sum of Rs.22,10,032/-, after conclusion of the work. The writ petition itself has been filed and interim order was granted on 12.10.2015. Thus no interference is required.

4.Admittedly, the order dated 22.08.2011 passed by the Tahsildar stands as on today. The said order states that out of the extent of 1.98.5 hectares, a portion of it was permitted to be used by the petitioner for playground. The said order is only a license subject to the future usage by the Government. A perusal of the records would show that the construction is being put up by the respondent in

Survey Nos.206 and 209. Even the said construction has been put up much earlier to the order of status quo granted by this Court. In such view of the matter, this Court does not find any wilful disobedience on the part of the respondent. Accordingly, the contempt petition stands closed, leaving all the issues open to be decided in the writ petition.

5.In view of the submission made by the learned counsel for the respondent that only one permission has been given as against the three plans before this Court, the CMDA is at liberty to proceed against the alleged violators, who are unfortunately not before this Court.

mmi

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

सत्यमेव जयते COURT OFFICER(O.S.)
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CO/07/11/2016

One CC to Mr.P.Srinivas, SR.13382/2016

One CC to Mr.P.Chandrasekaran, Advocate, SR.13297/2016

To

1.The Commissioner,
Avadi Municipality,
Avadi, Chennai - 54.

2.The Member Secretary,
CMDA,
Thalamuthu-Natarajan Building,
Egmore, Chennai 8.