

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2017

CORAM :

The Hon'ble MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR

Contempt Petition Nos.1159, 1326 & 1404 of 2017

Cont.P.No.1159 of 2017:

- 1.N.P.Sakthivel
- 2.K.R.Srinivasan
- 3.Y.Lavanya
- 4.Y.Devendrakumar Reddy
- 5.B.Veerammal
- 6.M.Alangaram
- 7.L.C.Kamalam
- 8.D.L.Saravanan
- 9.R.Arulmozhi

.. Petitioners

VS.

- 1.C.VijayaRajkumar,
The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 8.

- 2.T.Mathivanan,
The Chief Executive Officer,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 8.

.. Respondents

Cont.P.No.1326 of 2017:

- 1.T.Saleem
- 2.G.Kajamohideen
- 3.T.Kaleem
- 4.V.Veerareddy
- 5.T.Ramaraja Pandian
- 6.A.Devaraj
- 7.Y.Venkata Subba Reddy
- 8.A.Marudhachalam .. Petitioners

vs.

- 1.C.Vijayaraj Kumar, IAS.,
The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 8.
- 2.Dr.M.Mathivanan, IAS.,
The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 8. .. Respondents

Cont.P.No.1404 of 2017:

- 1.P.Raja
- 2.M.Senthilkumar
- 3.K.Ramanatha Reddy
- 4.Baskara Reddy
- 5.V.Rajendran
- 6.R.Vimala
- 7.K.Muthukumar
- 8.P.S.Muralidharan
- 9.G.Naresh .. Petitioners

vs.

- 1.C.Vijayaraj Kumar, I.A.S.,

The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2.Dr.M.Mathivanan, I.A.S.,
The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.Mr.A.Udhayakumar,
The Chief Administrative Officer,
Koyambedu Wholesale Market Complex,
Koyambedu,
Chennai – 600 092.

.. Respondents

Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for wilful disobedience of the order passed by this Court in W.P.No.7079 of 2016 dated 07.02.2017.

For Petitioners : Mr.T.R.Rajagopal
Senior Counsel
for M/s.A.Muthuraman
in Cont.P.No.1159/2017

Mr.Rahul Balaji
in Cont.P.No.1326/2017

Mr.Karthik
Senior Counsel
for M/s.J.Hariharan
in Cont.P.No.1404/2017

For Respondents : Mr.N.Sampath
for respondents 1 & 2
in all Contempt Petitions
Mr.M.Velmurugan
for respondent No.3
in Cont.P.No.1404/2017

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COMMON ORDER

(Order of the Court was made by M.Sundar, J.)

All these three contempt petitions have been filed complaining of violation of a direction contained in paragraph 2 of an order dated 07.02.2017 made by this Court in W.P.No.7079 of 2016.

2. The petitioners in the instant three contempt petitions are respondent Nos.4 to 29 respectively in the main writ petition.

3. The specific case that was projected before us today is that paragraph 2 of the aforesaid order has been violated by respondent Nos.1 and 2 in the writ petition (who have been arrayed as the two respondents in the instant contempt petitions).

4. We deem it appropriate to extract paragraph 2 of the aforesaid order, which reads as follows:

"2.We are of the view that so far as the allotment of shops is concerned, the same can proceed on the terms and conditions set out in the Memorandum, subject to the final outcome of the petition."

5. The main writ petition (W.P.No.7079 of 2016) has been filed as public interest litigation with a prayer to mandamus the

respondents therein not to allot any portion / shops which were allegedly constructed by converting the loading and unloading (ramp) area near Gate No.5, numbering about 29, Thanthai Periyar Vegetable Market Complex, Koyambedu, Chennai – 600 092.

6. This Court is in seizin of the writ petition. To be noted, the writ petition is pending and the aforesaid order dated 07.02.2017 is an order, which has been passed in the course of hearing.

7. Be that as it may, the aforesaid order came to be passed after an inspection was made by the learned Additional Advocate General and on the basis of a Memo incorporating suggestions with regard to the allotment of shops on the other hand and maintenance of place earmarked for specific purposes on the other hand.

8. Today, learned senior counsel and counsel appearing for the petitioners before us submit that paragraph 2, extracted supra, is a positive direction and that respondent Nos.1 and 2 in the writ petition (respondents before us in the contempt petitions) are in violation, wilful and deliberate disobedience of the directions contained therein.

9. Mr.N.Sampath, learned Standing Counsel appearing for the

Chennai Metropolitan Development Authority ("CMDA" for brevity), who was present in Court, submitted that allotment of shops are yet to be made and that it is consuming some time owing to approval and other related issues.

10. In the light of the fact that these are contempt proceedings and as we propose to hear out the main writ petition, we are not delving into those factual aspects in this order, leaving it open to be heard out in the main writ petition.

11. Owing to all that have been stated supra, we do not find any wilful disobedience or deliberate disregard of the aforesaid direction at this point of time qua respondent Nos.1 and 2 in the writ petition, for entertaining the contempt petitions. To be noted, no time frame has been fixed in paragraph 2 of our aforesaid order. We say this in the light of the fact that the main writ petition is pending and this Court is in seizin of the writ petition, which is to be heard out. We have referred this already in our narration supra.

12. We make it clear that it is open to the petitioners in these contempt petitions to raise all the allegations raised in the instant contempt petitions in the main writ petition when it is heard out.

13. With the above observation, the contempt petitions are closed.

(I.B., CJ.) (M.S., J.)
05.10.2017

Index : Yes/No
Internet : Yes/No

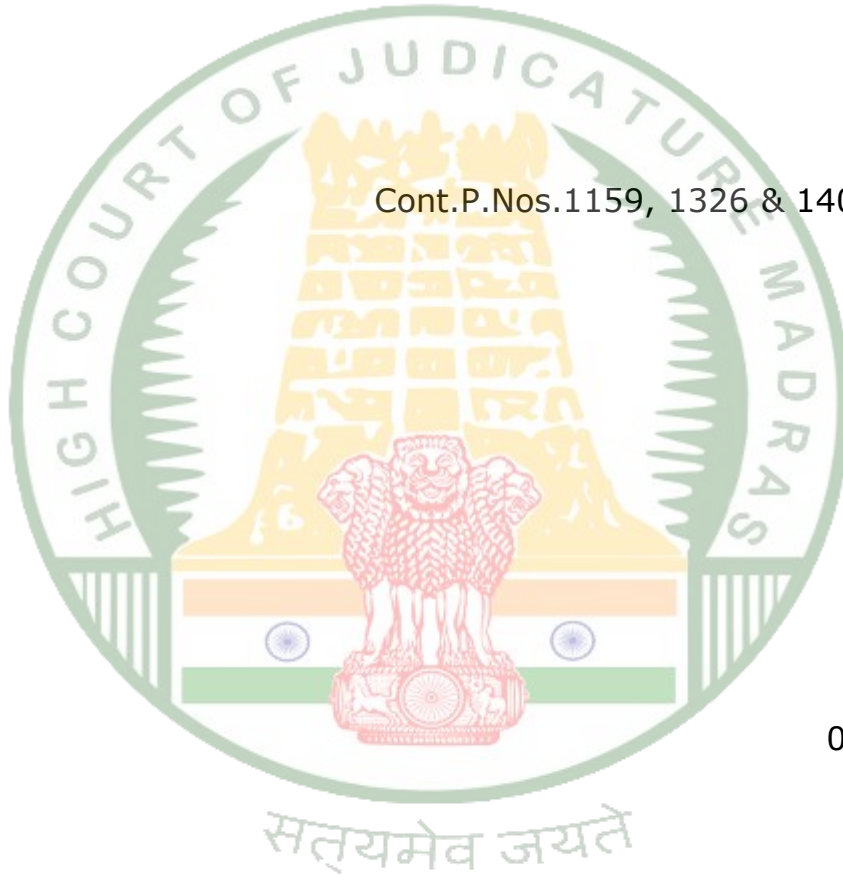
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The Hon'ble Chief Justice
and
M.Sundar, J.

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