

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2017

CORAM

THE HON'BLE MS. INDIRA BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

Contempt Petition No.1350 of 2017

M.Ashok Chand ... Petitioner

Vs.

Dr.Subodh Kumar
Regional Joint Commissioner/
Deputy Commissioner
Corporation of Chennai
Zone Central (VI to X Anna Nagar)
No.12B, Pulla Avenue, TVK Street
Shenoy Nagar, Chennai – 600 030. .. Respondent

PRAYER: Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for contempt of court committed by him by disobeying the order this Court dated 22.12.2016 passed in W.P.No.44087 of 2017.

For Petitioner : Mr.J.Antony Jesus

For Respondent : Mr.V.C.Selvasekaran

ORDER
(Order of the Court was made by *the Hon'ble Chief Justice*)

This application for contempt is for alleged violation of an order dated 22.12.2016 passed by a Division Bench of this Court, of which

one of us (*M.Sundar,J.*) was a member. The operative part of the order, violation whereof has been alleged, is set out herein below:

"3. We, thus, direct the third respondent to cause an inspection to be made of the property to verify whether there exists any unauthorised construction within fifteen days from the date of receipt of the order and in case it is so found, to take action in accordance with law and conclude the same within a period of three months thereafter.

The petition, accordingly, stands disposed of."

2. Mr.V.C.Selvasekaran, learned counsel appearing on behalf of the Corporation submits that pursuant to the aforesaid order, violation whereof has been alleged, a lock and seal notice had been issued under Sections 56/57 of the Tamil Nadu Town and Country Planning Act, 1971. However, a writ petition, being W.P.No.4056 of 2017, was filed by S.Sukumar, who is the fifth respondent in W.P.No.44087 of 2016, whereupon a Division Bench of this Court passed an order on 17.2.2017 to maintain status-quo. Subsequently, on 27.2.2017, the Division Bench directed that the order passed on 17.2.2017 be complied with.

3. Mr.V.C.Selvasekaran submits that the writ petition was moved on the same day on which the premises had been locked and sealed pursuant to the lock and seal notice. In view of the order of status quo, the lock and seal had to be removed. Significantly, the petitioner herein was impleaded as the fifth respondent in the writ petition.

4. Contempt is wilful deliberate violation of an order of Court with a view to lower the dignity and majesty of this Court. Inability to comply with orders of this Court by reason of orders in other proceedings cannot be said to be contempt. The contempt proceedings are, thus, dropped.

The contempt petition is dismissed.

(I.B., CJ.) (M.S., J.)
21.09.2017

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THE HON'BLE CHIEF JUSTICE
AND
M.SUNDAR,J.

(sasi)



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