

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.11.2017

Coram

THE HONOURABLE MR.JUSTICE T. RAJA

Contempt Petition No.1638 of 2017

A.Amanullah

... Petitioner

Versus

Dr.D.Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai
Ripon Building,
Chennai - 600 003

... Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for violating the order passed by this Court dated 17.02.2017 made in W.P. No.3101 of 2017.

For Petitioner : Mr.M.Mohideen Pitchai

For Respondent : Mr.K.Venkataramani,
Additional Advocate General
assisted by Mr.R.Arunmozhi

O R D E R

Today, when the contempt petition is taken up for hearing, the learned counsel appearing for the petitioner, while complaining the violation of the direction issued by me on 17.02.2017 in W.P.No.3101 of 2017 submitted that the petitioner was allotted Bay No.1 in Western Approach, Kodambakkam Over Bridge, Arcot Road, Chennai for putting up a shop and running business therein. The petitioner has constructed a shop therein, after taking the said Bay No.1

on rent and was in continuous possession and enjoyment of said Bay No.1 by paying rent without default. Subsequently, the respondent / Corporation of Chennai evicted the petitioner from the shop during the year 2011 without notice, for which the petitioner came to this Court by way of Writ Petition in W.P.No.12497 of 2011 with a prayer for a direction to the Corporation to forbear from in any manner interfering in peaceful enjoyment of the shop bearing Bay No.1 in accordance with law. Finally, an undertaking was given by the respondent stating that since major repairs were required to be carried out to the over bridge, which is in a highly dilapidated condition, the petitioners therein are sought to be removed from the shops which are in their occupation. Further, once the repair works are completed, the petitioner would be given accommodation in the same place, the said undertaking given before this Court on 17.02.2017 has been violated.

2. A detailed report is filed by Mr.S.Natarajan, Zonal Officer, Zone- X, Greater Chennai Corporation dated 30.10.2017. The learned Additional Advocate General appearing for the respondent submitted that there is no violation of the undertaking committed by the respondent for the petitioner to come to this Court. It is stated that the petitioner and eleven others vacated the space below the western part of the Kodambakkam fly over, prior

to the commencement of retrofitting works and now they will also be allotted suitable alternate places but not below the western part of Kodambakkam flyover. It is further stated that only Shop No.20 lying vacant presently at Saidapet Market complex at Jeenis Road, Saidapet, Chennai - 15 by fixing monthly rent of Rs.8,024/- including the service tax was allotted to the petitioner on 25.10.2017.

3. In so far as restoration of the petitioner's shop in Bay No.1 is concerned, it is further averred in the report that the service road at Kodambakkam Flyover are occupied already with lot of commercial establishments as well as religious activities like mosque and a temple. Moreover, recent developments of mushrooming, residential and commercial activities near by service road has given rise to traffic problem, as a result, service road below the western part of the kodambakkam flyover is fully packed during the peak hours and the said road is always found busy during the entire day itself, hence they are not able to reach the destination. After several thought and deliberations, the Chennai Corporation has decided not to allot any bay under the Kodambakkam Fly over to avoid traffic congestion and accidents. Further, in the report it is stated that Bay No.1 under the Kodambakkam Fly over and other places will not be allotted to any one, in view of the heavy traffic congestion created by movement of the

customers to this area. I find merits on these submissions.

4. Recording the submission of the learned Additional Advocate General and keeping in mind that the petitioner has been allotted an alternative place for rent, this Court is unable to see any violation of the order passed by this Court in W.P.No.3101 of 2017, accordingly, this Contempt Petition is closed.

SD/-
ASSISTANT REGISTRAR (COM.CASES)
ssd

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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KR/CO/05/01/2018

To

Dr.D.Karthikeyan, I.A.S.,
Commissioner,
Corporation of Chennai
Ripon Building,
Chennai - 600 003

one cc to the Mr.M.Mohideen Pitchai, SR.No.12746.