

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Contempt Petition No.1837 of 2017

Devi

..Petitioner

vs.

1. Mr.Shambu Kallollikar,
The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj salai,
Chennai - 600 005.

2. Ms.Umarani,
The Estate Officer,
Estate Office-6,
Tamil Nadu Slum clearance Board,
Mylapore,
Chennai - 600 004.

3. Mr.R.Nagesh,
The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Reconstruction Division,
Chennai - 600 005.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Court Act,1971, to punish the respondents for disobeying the order passed by this court dated 22.02.2017 in W.P.No.4357 of 2017.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr. Kesavan,
Standing Counsel.

O R D E R

This Contempt Petition is filed by the petitioner complaining that the order passed in Writ Petition No.4357 of 2017 dated 22.02.2017 has not been strictly complied with.

2. It is seen that the petitioner filed W.P.No.4357 of 2017 and sought for a mandamus directing the Estate Officer and the Executive Engineer of the Tamil Nadu Slum Clearance Board to implement the order of the Managing Director, Tamil Nadu Slum Clearance Board, dated 04.08.2017, wherein the Managing Director of the Tamil Nadu Slum Clearance Board had directed the said officials to evict the trespassers and hand over the tenement to the petitioner within ten days. In the said writ petition, the person sought to be evicted was arrayed as the 8th respondent.

3. This Court, after taking note of the fact that the 8th respondent therein filed a Civil Suit in O.S.No.4878 of 2015 on the file of the III Assistant City Civil Court, Chennai, for permanent injunction against the petitioner herein and the Slum Clearance Board and that the matter is pending, directed the Estate Officer and the Executive Engineer to consider the petitioner's representation dated 20.10.2016 and pass appropriate orders on merits and in accordance with law, after giving notice to the 8th respondent therein. Consequently, the first respondent herein passed an order dated 06.06.2017 stating that the Civil Suit filed by the other party against the petitioner is pending wherein she has also obtained an interim injunction and therefore, the request of the petitioner shall be considered only after the disposal of the Civil

4. Learned counsel for the petitioner submitted that the said order dated 06.06.2017 is not in accordance with the order passed by this Court, in the above writ petition. I do not think that the petitioner can canvass the correctness or otherwise of the order passed by the first respondent on 06.06.2017 in this contempt proceedings, when this Court has only directed the authority to pass appropriate orders on merits and in accordance with law after hearing all the parties. Therefore, if the petitioner is aggrieved against the said order, it is for her to challenge the same in the manner known to law or to contest the matter before the Civil Court and get the said suit disposed of at the earliest. Without doing so, filing the Contempt Petition is not maintainable. Therefore, this Contempt Petition is closed, however by granting liberty to the petitioner as stated supra.

SD/-

सत्यमेव जयते
ASSISTANT REGISTRAR (COM.CASES)

vsi

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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<https://hcservices.ecourts.gov.in/hcservices/> one cc to the Mr.M.Vijayaragavan, Advocate, SR.No.14042.

one cc to the Mr.B.Kesavan, Standing Counsel, SR.No.14101.