

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2017

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

Contempt Petition No.1958 of 2015

Chennai Metropolitan Development Authority
rep. by its Member-Secretary
Thalamuthu Natarajan Maligai
No.1, Gandhi-Irwin Road
Egmore, Chennai - 600 008. .. Petitioner

Vs.

1. A.R.Subath Khan
2. S.K.Hathija Ummal
Respondents ..

PRAYER: Petition under Section 11 of the Contempt of Courts Act to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.31747 of 2014, dated 4.12.2014.

For Petitioner : Mr.N.Sampath

ORDER

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

It is a sad state of affairs that the CMDA is seeking to approach this Court for exercising contempt jurisdiction, as it has been unable to re-seal the property.

2. The property was earlier sealed and de-sealed under directions of the Court dated 4.12.2014 for purposes of the respondents to rectify the deviations within a period of four months.

3. It is the case of the petitioner before us that rectifications were not carried out when the site was inspected and further time was sought which was also granted, but the position did not change. A final endeavour was made to re-seal the premises on 14.7.2015 with police assistance, but it is stated that it could not be re-sealed.

4. We find that there is no case for exercise of jurisdiction of contempt. The respondents had sought time to rectify. No rectification has been done by the respondents. The petitioner rightly understood the order that it has to be re-sealed. It took police assistance. Now it is as if the authorities want some force to be sent by the Court to help the CMDA to re-seal the premises, showing complete lack of enforcement mechanism.

5. We are of the view that it is for the CMDA to ensure that the premises is re-sealed with the assistance of the police force at the earliest and not waste judicial time of the Court by seeking assistance of the Court in that endeavour.

(3)

The petition is dismissed with the aforesaid directions. No costs.

Sd/-

JOINT REGISTRAR (OS)

sasi

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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CO/21/02/2017

Note to Registry:

Mark a copy of this order to:
The Member-Secretary
Chennai Metropolitan Development Authority
Thalamuthu Natarajan Maligai
No.1, Gandhi-Irwin Road
Egmore, Chennai - 600 008.

सत्यमेव जयते

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