

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM

THE HON'BLE Mr. JUSTICE **M.M. SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **M. SUNDAR**

Cont.P.No.1387 of 2018

Raghu Raman ... Petitioner

Vs.

1.Karthikeyan, I.A.S.,
The Commissioner,
Corporation of Chennai,
Rippon Maligai, Chennai - 3.

2.A.K.Viswanathan, I.P.S.,
The Commissioner of Police,
Greater Chennai, Veppery,
Chennai - 7. ... Respondents

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondents for wilful disobedience of
the order passed by this Court in W.P.No.16009 of 2017
dated 27.06.2017.

For Petitioner .. Mr.R.Ramanlaal

For Respondents .. Mr.K.Soundararajan for R1
Mr.M.Elumalai,
Govt. Advocate for R2

ORDER

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

Alleging that the order dated 27.06.2017 passed by

<https://hcservices.ecourts.gov.in/hcservices/> in W.P.No.16009 of 2017 has not been complied

with, the present contempt petition has been filed.

2.An affidavit has been filed by the contemnors stating that encroachments were removed on 28.09.2017. In para 5 of the affidavit it has been stated as follows:

"5.I submit that in so far as the subsequent encroachment by putting two bunk shops at Janaki Avenue in M.R.C. Nagar are concerned, the said bunk shops owners viz., K.Jothi and A.Sundar were filed writ petitions in W.P.Nos.33975 of 2017 and 16273 of 2015 respectively before this Hon'ble Court with prayers not to disturb with their bunk shops till the Vending Committee constituted under the Street Vendors' (Protection of Livelihood Regulation) Act decides the representations given by them under the said provisions of the Act. I submit that this Hon'ble Court also by orders dated 02.01.2018 and 12.06.2015 had directed the Corporation not to take any coercive action till the Vending Committee decides the issue. I submit that the owners of the said bunk shops produced the order copies before the Authorities after the removal of their bunk shops as directed by this Hon'ble Court and, subsequently, the Corporation had allowed them to have their bunk shops in order to obey the orders of this Hon'ble Court. I submit that, similarly three more bunk shops were again put up by the shop owners viz., M.P.Baskar, S.Anand and R.Manoj since they had also obtained orders from this Hon'ble Court in W.P.No.7908 of 2016 dated 06.04.2018 W.P.No.22940 of 2017 dated 28.08.2017 and W.P.No.22939 of 2017 dated

28.08.2017 and totally five bunk shops were permitted by the Corporation, based on the orders of this Hon'ble Court. I submit that, therefore, the allegation made by the petitioner about the encroachments, are not correct and also there is no wilful disobedience to the order of this Hon'ble Court."

3. In such view of the matter, we are not inclined to call the respondents for contempt. Accordingly, the contempt petition is closed giving liberty to the petitioner to file appeal against the order passed by the learned single Judge.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते

COURT OFFICER (O.S.)

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PS/23/01/2019