

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

CONT.P.No.807/2015

K.Bhageerathi

Petitioner

Versus

1. Mr.Dharmendra Pratap Yadav, IAS
Secretary of Housing & Urban Development
Department, Secretariat, Fort St George
Chennai 600 009.

2. Mr.S.Venugopal, B.E
The Executive Engineer / Administrative Officer
Tamil Nadu Housing Board
Thirumangalam, Anna Nagar West
Chennai 600 101.

Respondents

Contempt petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the act of contempt of Court by willfully and wantonly violating this Court's order dated 20.11.2014 in WP.No.30251/2014.

For Petitioner : Mr.M.Manivasagam
For Respondents : Mrs.P.Rajalakshmi, AGP
for R1
Mr.Anandamoorthy for R2

ORDER

The petitioner, alleging non-compliance of the order passed by this Court in WP.No.30251/2014 and MP.No.1/2014 dated 20.11.2014, came forward to file the present contempt petition.

2 This Court, while entertaining the writ petition filed by the petitioner, had granted conditional order of interim stay subject to the condition that the petitioner, without prejudice to her rights and contentions, shall

deposit a sum of Rs.1,77,849/- within the stipulated time and it was also complied with by the petitioner and a communication dated 19.12.2014 was sent by the 2nd respondent bearing Letter No.ANA 1.3/41653/1996.

3 The learned counsel for the petitioner would submit that despite such a compliance, the Manager [Marketing and Service], Anna Nagar Division, Tamil Nadu Housing Board, Thirumangalam, Chennai 101, has sent a communication dated 23.12.2014 in Letter No.ANA 1.3/41635/1996, rejecting the request for waiver of the penalty amount and the plot in question will be disposed of through auction and alleging willful disobedience of the interim order, the petitioner came forward to file the present petition for contempt.

4 Notices were ordered on 27.04.2015 and the 2nd respondent has filed a counter affidavit and it is relevant to extract paragraph No.5:-

"5 I respectfully submit that the Hon'ble Court has passed the interim order on 20.11.2014 directing the petitioner to pay a sum of Rs.1,77,849/- within four weeks from the date of receipt of the order. Accordingly, the petitioner has paid the amount on 30.12.2014. Further, this respondent respectfully submit that though Hon'ble High Court has granted interim order on 20.11.2014, the order copy has

been received by this respondent only on 09.12.2014. Before, receiving the order copy, the 2nd respondent has sent a letter dated 02.12.2014 to pay the outstanding due but the said letter was despatched only on 15.12.2014. It is the mistake happened in the despatch section. This respondent has no intention to violate the order passed by the Hon'ble Court. It is neither willful nor wanton but the reason stated above.

Hence, I tender my unconditional apology for the mistake in sending the letter belatedly by the despatch clerk and purge me out of contempt proceedings of this Hon'ble Court.

Therefore, I pray this Hon'ble Court may be pleased to close the contempt petition and thus, render justice."

5 The learned counsel for the respondent / contemnor would submit that the communication of the Manager [Marketing and Service], Anna Nagar Division, TNHB, Thirumangalam, Chennai-101, dated

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23.12.2014 in Letter No.ANA 1.3/41635/1996, will be withdrawn, in the light of paragraph No.5 of the counter affidavit of the 2nd respondent. The said submission is placed on record.

6 Accordingly, the contempt petition is closed.

SD/

ASSISTANT REGISTRAR (COMM.CASES)

AP

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PM/CO/16/08/2018

To

1. The Secretary of Housing & Urban Development Department, Secretariat, Fort St George Chennai 600 009.
2. The Executive Engineer / Administrative Officer Tamil Nadu Housing Board Thirumangalam, Anna Nagar West Chennai 600 101.
3. The Manager, Marketing and Service, Anna Nagar Division, TNHB, Chennai - 10.

One CC to Government Pleader, SR.9948

One CC to Mr.M.Manivasagam, Associates, SR.9931

One CC to Mr.V.Anandhamurthy, Advocate, SR.9917