

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

CONTEMPT CASE No.1899 of 2015

ORDER:

This Contempt Case is filed alleging wilful and deliberate violation of the order passed by this Court in WPMP No.5855 of 2014 in W.P. No.4719 of 2014 dated 19.02.2014 wherein the submission of the Learned Standing Counsel for the GHMC, that a notice under Section 461 of the GHMC Act was issued, and action would be taken against the 4th respondent in accordance with law, was noted. After taking note of the submission of the Learned Counsel for the petitioner that the 4th respondent in the Writ Petition (3rd respondent in the Contempt Case) had raised an illegal construction on the set back area of the apartment, and he was about to open a restaurant thereupon, this Court directed the 4th respondent not to open any restaurant in the subject area, which is stated to be a part of the set back of the subject apartment building.

Sri T.S. Praveen Kumar, Learned Counsel for the petitioner, would submit that, instead of a restaurant, the 3rd respondent herein had opened a shop wherein cement and steel are sought to be sold. It is only on the submission of the Learned Counsel for the petitioner, that the 3rd respondent herein was opening a restaurant, was a specific direction issued restraining the 3rd respondent herein from opening a restaurant. While his act of opening a retail shop, to sell cement and steel, may not accord with the provisions of the GHMC Act, it cannot be said that the 3rd

respondent has wilfully and deliberately violated the order of this Court.

Proceedings under the Contempt of Courts Act are quasi-criminal in nature, and save cases where wilful and deliberate violation of the order is established beyond reasonable doubt, no action is called for.

The order of this Court required the 3rd respondent herein not to open a restaurant. There was no specific direction that he should not open or run any other shop. While institution of this Contempt Case, and the order now passed by this Court, shall not disable the GHMC from taking action, against the 4th respondent in the Writ Petition, in accordance with law, I see no reason to proceed against him under the Contempt of Courts Act. The Contempt Case is, accordingly, closed. The miscellaneous petitions pending, if any, shall also stand closed.

RAMESH RANGANATHAN, J

Date: 10.08.2018
MRKR