

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

Coram

The Hon'ble Mr. Justice **M.M. SUNDRESH**
and
The Hon'ble Mr. Justice **R. MAHADEVAN**

Cont. Petition No.529 of 2018

M/s.Thangavelu Street Civic Association
rep. by its Authorised Signatory C.Manjula

.. Petitioner

vs.

1.Dr.D.Karthikeyan,
The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 3.

2.Md.Nasimuddin, I.A.S.,
The Chairman,
Tamil Nadu Pollution Control
Board, No.76, Anna Salai,
Guindy, Chennai - 32.

..Respondents

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondents for wilful, deliberate and
continuous act in disobeying the direction given by this
Court while disposing W.P.No.20546 of 2000 on 04.08.2016.

For Petitioner ..Mr.N.L.Raja,
Sr. Counsel
for Mr.E.Jayasankar

For Respondents..Mr.V.C.Selvasekaran for R1

ORDER

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

This contempt petition has been filed by the petitioner seeking appropriate action for the alleged non-compliance of the order passed in W.P.No. 20546 of 2000 dated 04.08.2016 with specific reference to paragraph 8 of the order.

2.Learned counsel appearing for the Corporation, placing reliance upon the affidavit filed submitted that though action was on the anvil, it could not be proceeded further in view of the review petition filed by some of the encroachers. The Division Bench of this Court has orally directed the learned counsel for the first respondent not to proceed further till the next date of hearing. Thereafter, the matter has not been posted.

3.Learned Senior Counsel appearing for the petitioner submitted that there is no written order and in any case, this had happened two years ago. The next date of hearing was also over long time back. The alleged encroachers are apparently not interested in pursuing the matter. The review petition has neither been numbered nor heard thereafter. Therefore, there is no impediment for the

first respondent to give effect to the order passed by this Court.

4.We are in agreement with the submission made by the learned Senior Counsel appearing for the petitioner. In law, there cannot be any impediment and in the absence of any order passed by this Court, the oral order said to have been passed by this Court has got expired longtime back. That was only an interim arrangement to facilitate the unnumbered review petition to be numbered and thereafter taken up for hearing. It appears that as of today, neither the review has been numbered nor appropriate orders are obtained. The order of the Division Bench is dated 04.08.2016. Now more than three years have elapsed. It is also not in dispute as submitted by the learned counsel appearing for the Corporation that the encroachers were already given alternative accommodation.

सत्यमेव जयते

5.In such view of the matter, we direct the first respondent to give effect to paragraph 8 of the order of the Division Bench within a period of six weeks from the date of receipt of a copy of this order. Compliance report will have to be filed after a period of eight weeks thereafter.

6.With the above direction, the contempt petition stands closed.

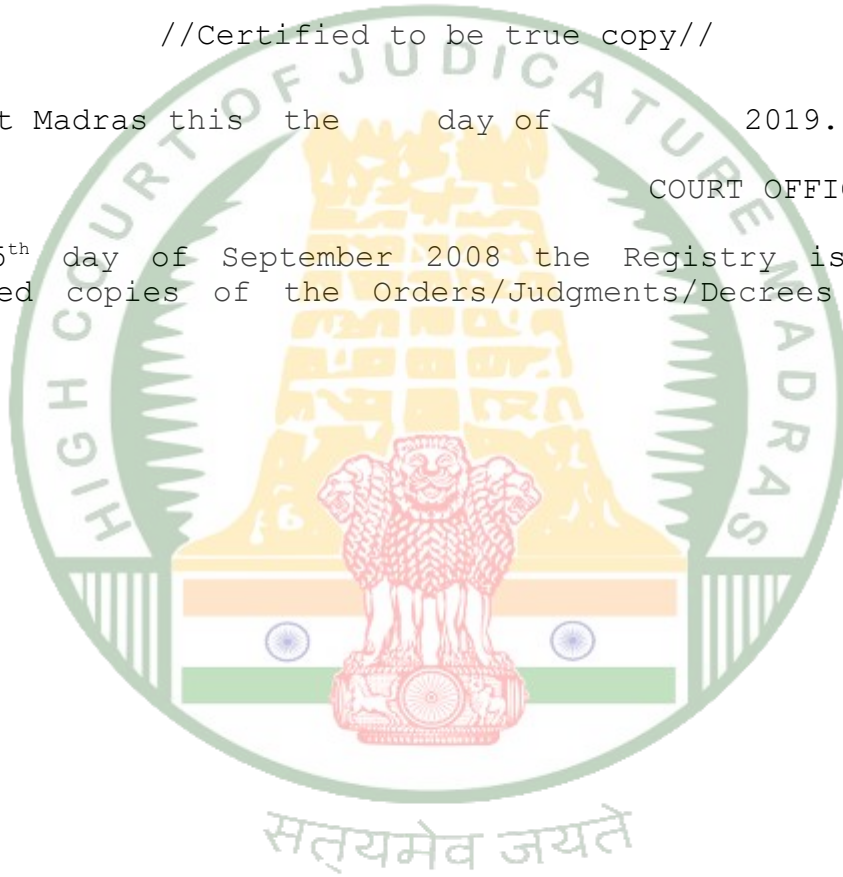
SD/-
ASSISTANT REGISTRAR (OS-II)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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