

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**
AND
THE HONOURABLE MR. JUSTICE **R. MAHADEVAN**

Contempt Petition. No. 682 of 2017

S.Perumal

...Petitioner

Vs

1.S.Chandramohan

The Executive Engineer,
Tamil Nadu Slum Clearance Board,
Thiyagarayar Salai,
Aalayamman Koil Opp.
Teynampet, Chennai - 600 018.

2.Tamil Selvan

The Executive Engineer,
Zone 9, Corporation of Chennai,
Nungambakkam,
Chennai - 600 034.

...Respondents

Contempt petition filed under Order 11 of the Contempt of Courts Act 1971 to punish the respondents for committing contempt of court by disobeying the order passed in W.P. No. 37468 of 2016 dated 26.10.2016.

For Petitioner : Ms.R.Aparna

For Respondents : Mr.S.Prabhu for R1
Mr.K.Soundararajan for R2

ORDER

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

Alleging that the order dated 26.10.2016 passed by this Court in W.P.No. 37468 of 2016 has not been complied with, the present contempt petition has been filed.

2. In the affidavit filed by the second respondent, the following statement has been made:-

"4.I submit that pursuant to the order of this Hon'ble Court, the representations were considered and the disputed encroachment was inspected and found that the same is an encroachment and, therefore, the same was removed with the help of the Police and Slum Clearance Board Officials on 02.01.2019 and the area was completely cleared on 21.01.2019 and, therefore, the order of this Hon'ble Court has been duly complied with.

5.I submit that in view of the above said facts, the orders of this Hon'ble Court in W.P.No.37468 of 2016 dated 26.10.2016 is duly complied with and there is no disobedience committed by the respondent. I submit that even if this Hon'ble Court views this as a contempt, I once again tender my unconditional apology.

Therefore, it is prayed that this Hon'ble Court may be pleased to purge the respondent from the contempt proceedings and pass orders on merits and pass such further or other orders as this Hon'ble Court may deem fit in the circumstances of the case and thus render justice."

3. The learned counsel appearing for the petitioner submitted that still there is a cot in the encroached portion which is yet to be removed.

4. Both the counsel relied upon photographs taken recently. We are not inclined to go into the said issue. Thus, we close the contempt petition. If the petitioner is of the view that the cot is still there, it is well open to him to bring it to the notice of the second respondent. Immediately after the same is brought to the notice of the second respondent, action will have to be taken to remove the cot, if not removed already.

In view of the above, this contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

mmi/ssm

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)
from 25th day of September 2008 the Registry is issuing
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format.

Mv/15/07/2019

To

The Executive Engineer,
Zone 9, Corporation of Chennai,
Nungambakkam,
Chennai - 600 034.