

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2020

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CONT.P.No.452 of 2020

and

SUB.A.No.239 of 2020

The Arakkonam Market All Merchants
Association, rep by its President,
A.Doorvasalu Naidu,
No.1, Galivarikandigai Road,
Arakkonam

.. Petitioner in Contempt
Petition/ Sub Application

Vs.

Raja Vijay Kamaraj
The Commissioner,
Arakkonam Municipality,
Ranipet District.

.. Respondent in Contempt
Petition/ Sub Application

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for willfully disobeyed the order dated 30.12.2019 and made in C.M.P.No.27946 of 2019 in S.A.No.1294 of 2019.

Sub Application No.239 of 2020

To direct the respondent to remove the seal affixed on the shops of the member of the petitioners association pending disposal of the above contempt petition.

For Petitioner : Mr.G.Jeremiah
For Respondent : Mr.V.P.Sengottuvel

ORDER

The petitioner has come up with a grievance that in spite of payment of 50% of the rental arrears as directed by this Court, his shops were closed by the respondent / municipality. According to him, he is not in arrears, he paid entire amount.

2. On notice, the learned counsel appearing for the respondents would submit a statement of arrears in terms of the decree passed by the Court below. According to the respondent in respect of Shop.No.206210, total demand is Rs.4,37,886/- and 50% is Rs.2,18,943/-. The shop owner has paid a sum of Rs.1,50,420/- leaving a balance amount of Rs.68,523/-.

3. Likewise, for Shop No.206211 the balance is Rs.82,693/-, for Shop No.206240 the balance is Rs.27,363/- and for Shop No.206267 the balance is Rs.34,380.

4. The learned counsel for the petitioner would confront the statement and would submit that in respect of Shop No.206210 he has paid up to Rs.82,649/-; for Shop No.206211 the payment made is Rs.60,288/-; in respect of Shop No.206240 he paid Rs.40,281/- and in respect of Shop No.206267 the payment is Rs.61,392/-. Therefore, in fact, the shop owner paid in excess of balance amount claimed by the respondent and hence, he would vehemently contend that the Shop should be opened.

5. I considered the rival submissions. There is a difference in calculating the amount and the payment of arrears. Therefore, both the parties are directed to workout as to what is the actual balance of arrears to be paid. The respondent shall take into account the receipt produced by the petitioner with regard to payment of arrears and thereafter shall determine the quantum. If it is found that excess payment has been made, it shall be adjusted in future rentals. If it is found that even after accounting the payment, still balance is to be paid, the petitioner shall pay the balance amount to the respondent. On such payment, the respondent shall open the shops and comply with Clause 5 of the decree passed by the Lower Appellate Court. It is made clear that the payment constitute only 50% of the arrears of the rental amount.

Accordingly, the contempt petition is closed. No costs. Connected Sub Application is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

bri

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/20.08.2020

To

The Commissioner,
Arakkonam Municipality,
Ranipet District.

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