

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

Contempt petition.No.1889 of 2019

M/s.Kaizen Diamond Tools,
Rep. by its Proprietor,
Mr.C.P.J.Ram, S/o.Chinnasamy,
SP-63, 5th Street, 3rd Main Road,
Ambattur Industrial Estate,
Chennai - 600 058,
residing at:
Fomra Tribhuvan Apartments,
BIC No.82, Sakthi Nagar,
2nd Avenue, Nolambur,
Chennai - 600 095.

....Petitioner

vs.

1.Mrs.Lalitha, IAS,
The Principal Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai - 600 003.

2.Mr.Tamilselvan,
The Assistant Commissioner,
Zone-VII, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.

...Respondents

Prayer: Contempt Petition filed under Order 11 of the Contempt of Courts Act to punish the respondents for deliberately disobeying the order dated 20.06.2019 passed by this Court in WP.No.16533 of 2019.

For Petitioner : Mr.S.V.S.Ilamvazhuthi
For Respondents: Dr.C.Ravichandran,
Standing Counsel

ORDER

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

The petitioner alleging willful disobedience and non-compliance of the order pertaining to demolition of unauthorised construction put up by the private respondent in the writ petition in W.P.No.16533/2019, has filed the present petition for Contempt.

2. The learned counsel appearing for the petitioner would submit that though the order came to be passed as early as on 20.06.2019 and was also communicated to the concerned official respondents, in utter disregard and violation of the said order, the respondents had committed the contempt of the orders passed by this Court and hence prays for appropriate orders.

3. Mr. Dr.C.Ravichandran, learned Standing Counsel accepts notice on behalf of the Corporation, namely, the respondents 1 and 2.

4. The private respondent in the WP.No.16533 of 2019, namely, C.Natarajan filed a Special Revision / Appeal challenging the lock and seal and demolition notice dated 04.10.2019, issued by the Executive Engineer, Greater Chennai Corporation, Chennai and a Division Bench of this Court vide order dated 07.11.2019 directed the Secretary to Tamil Nadu

Government, Housing and Urban Development, Chennai to entertain the Special Revision / Appeal, if the papers are otherwise in order and to give a disposal to the petition for stay within a period of three weeks from the date of receipt of the said order and till such time, directed the deferment of the further proceedings.

5. In light of the aforesaid order, this Court directed Mr.R.Vijayakumar, the learned Additional Government Pleader to get instructions as to the stage of the said appeal and on instructions, it is submitted that the Special Revision / Appeal filed by Mr.C.Natarajan on 16.10.2019 was assigned as Appeal No.21306 of 2019 and immediately, on enquiry, necessary steps would be taken by the appellate/ revisional authority to comply with the direction issued by this Court in WP.No.31424 of 2019 dated 07.11.2019.

6. In response to the said submission, the learned counsel for the petitioner would submit that the appellate / revisional authority may be directed to put the petitioner on notice before considering and disposing of the Special Revision / Appeal filed by Mr.C.Natarajan.

7. The Court has considered the rival submissions and also perused the materials placed before it.

8. In the light of the fact that the private respondent has availed the statutory remedy, this Court is of the considered view that there is no fair case of contempt has been

made. However, the Secretary to Tamil Nadu Government, Housing and Urban Development, Chennai, before disposing of the Special Revision / Appeal filed by the private respondent, namely, C.Natarajan, in WP.No.16533 of 2019, shall put the petitioner on notice and elicit his response and thereafter, give a disposal to the said Special Revision/Appeal as expeditiously as possible.

9. The Contempt Petition is closed subject to the above directions.

tsi/mbi

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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SMI/17/02/2020

To

- 1.The Principal Commissioner,
Corporation of Greater Chennai,
Rippon Buildings,
Chennai - 600 003.
- 2.The Assistant Commissioner,
Zone-VII, Greater Chennai Corporation,
Ambattur, Chennai - 600 053.
3. The Secretary to TamilNadu Government,
Housing and Urban Development,
Chennai.

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