

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Contempt Petition No.2112 of 2019

Mrs.Constance Delphine Gomez ... Petitioner

Vs.

1. Mr.G.Prakash, I.A.S.,
The Commissioner,
Greater Chennai City Corporation,
Rippon Building,
Periamet, Chennai-600 003.
2. P.Narayanan,
The Zonal Officer, Zone-6,
Greater Chennai City Corporation,
No.5, Anderson Street,
Ayanavaram,
Chennai-600 023.
3. Mr.Senthilnathan,
The Executive Engineer,
Zone-6,
Greater Chennai City Corporation,
No.5, Anderson Street,
Ayanavaram, Chennai-600 023.
4. Mr.A.K.Viswanathan, I.P.S.,
The Commissioner of Police,
Office of the Greater Chennai City Police Commissioner,
Veppery, Chennai-600 007.

5. Mr.Jeganathan,
The Inspector of Police,
K-1, Sembiam Police Station,
Papermills Road,
Perambur, Chennai-600 011.
6. Mr.Kathiresan,
No.20, Foxen Street,
Perambur, Chennai 600 011.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for committing contempt of the order of this Court in W.P.No.26545 of 2018, dated 31.10.2018.

For petitioner : Mr.Stalin Abhimanyu

For respondents : Mr.A.Nagarajan for RR-1 to 3
Mr.V.Shanmuga Sundar, Spl.G.P.
for RR-4 and 5
No appearance for R-6

ORDER

(The Order of the Court was made by R.Subbiah, J)

The present Contempt Petition has been filed alleging that there is violation of the order dated 31.10.2018 passed in W.P.No.26545 of 2018, in and by which, this Court passed the following order:

"6. The learned counsel appearing for the 6th respondent would submit that the car was only temporarily parked there and it is not a permanent parking. He also undertook to file an affidavit stating that he would not park the vehicle or put up any temporary or permanent structure on the street, which would cause inconvenience to the other occupants. The matter was posted today and today the learned counsel for the 6th respondent has filed an affidavit, wherein, the 6th respondent has stated as follows:

"4. I state and declare that I will not put up any of the permanent structure or parking my vehicle on the road for obstructing the usage of the way by others in the Murugesan Street (Muruges Mudali Street). I state and declare that my statements may be recorded and pass further or other orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and render justice."

7. The said statement is recorded and the Writ Petition is disposed of, as the offending structures have already been removed. The Official respondents are directed to maintain the street free of encroachment in future. Any slackness on the part of the official respondents in allowing encroachments on the street will be viewed seriously. No costs. Consequently, the connected miscellaneous petition is closed."

2. Now, the present Contempt Petition had been filed stating that the sixth respondent had rebuilt unauthorised Mooshika Sthoopi by encroaching more than 3-1/2 feet in Muruges Street (Muruges Mudali Street), which is only a 12 feet wide street. Despite the same, the official respondents have not taken any action and miserably failed to initiate action and implement the above order of this Court.

3. Today, when the matter is taken up for consideration, a report is filed by the second respondent stating that the encroachment made by the sixth respondent by way of RCC Arch (60 mts x 90 mts), Mooshika Sthoopi and 3 slabs for sitting in Muruges Street, Chennai, was removed by the Greater Chennai Corporation on 13.10.2018 with the help of Police protection. Further, the Assistant Executive Engineer, Unit-16, Zone-VI and the Assistant Engineer, Division-69, Unit-16, Zone-VI, Greater Chennai Corporation inspected the said Muruges Street (Muruges Mudali Street) from Foxen Street on 13.12.2019 and found that the sixth respondent had erected the steel movable chairs and Mooshika Sthoopi. The encroachment made by the sixth respondent was removed by the officials of the Greater Chennai Corporation on 03.01.2020 with the help of the Police officials and photographs were taken to show that the encroachment made by the sixth respondent is removed.

4. In view of the above report of the second respondent, as the said encroachment had been removed, nothing further survives for consideration in this Contempt Petition, which is accordingly closed.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

CS

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/28/01/2020

To

1. The Commissioner,
Greater Chennai City Corporation,
Rippon Building,
Periamet, Chennai-600 003.
2. The Zonal Officer, Zone-6,
Greater Chennai City Corporation,
No.5, Anderson Street,
Ayanavaram,
Chennai-600 023.

3. The Executive Engineer,
Zone-6,
Greater Chennai City Corporation,
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4. The Commissioner of Police,
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