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Cont.P.No.1720 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1720 of 2012

in

M.P.No.2 of 2010

in

W.P.No.382 of 2010

K.Jaya Raman,
No.4, Santhosh Nagar,
Teacher's Colony,
Kolathur, Chennai 600 019

... Petitioner

Vs

1.Mr.K.Phanindra Reddy, I.A.S.,
Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai-600 005.

2.Mr.Chandrasekar, I.A.S.,
Managing Director,
Tamil Nadu Slum Clearance Board,
Chennai-600 005.

3.Mrs.Vijayalakshmi

4.S.M.Chandrasekar

5.Mrs.C.Jayalakshmi

...Respondents

(The respondents 3 to 5 are impleaded as party in the contempt as per order of this Court dated 31.10.2013 in Sub Application No.556 of 2013.)

PRAYER : Contempt petition filed under Section 11 of the Contempt of Court Act, praying to punish the respondents herein for their act of willful



disobedience of the order of this Hon'ble Court dated 18.06.2010 in M.P.No.2 of 2010 in W.P.No.382 of 2010.

For Petitioner : Mr.R.Dhanasekar
for Mr.R.Thamarai Selvam
For Respondents 1 & 2 : Mr.S.Prabhu
For Respondent 4 : Mr.K.M.Vijayan Associates

ORDER

The contempt petition is filed to punish the respondents for the willful disobedience of the order of this Court dated 18.06.2010 in M.P.No.2 of 2010 in W.P. No.382 of 2010.

2. The contempt petitioner filed the writ petition to quash the proceedings dated 20.01.2009 and to direct the respondent to allot 800 sq.ft., out of 1800 sq.ft., house site (Plot No.34) in Door No.50, Thirumoolar Colony, Thirumangalam, Anna Nagar West, Chennai – 40 to the petitioner's son viz., Mr.Shivaji Padmanaban on payment of costs and other fees.

3. The order impugned in the writ petition dated 20.01.2009 was issued by the Managing Director, Tamil Nadu Slum Clearance Board, rejecting the claim of the writ petitioner for allotment of house plot. The petitioner filed Miscellaneous Petition for grant of injunction. This Court passed an order on 08.06.2010 granting an order of interim injunction from allotting 800 sq.ft. out of 1800 sq.ft. of house site in No.15, Thirumoolar



Colony, Anna Nagar West, Chennai-40.

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4. The grievances of the contempt petitioner is that inspite of the interim order passed by this Court, allotment was made in favour of one Smt.R.Vijayalakshmi, by the Tamil Nadu Slum Clearance Board.

5. The learned counsel appearing on behalf of the Tamil Nadu Slum Clearance Board, made a submission that the said plot was allotted in favour of Smt.R.Vijayalakshmi, even prior to the filing of the writ petition by the present writ petitioner in W.P. No.382 of 2010. However, no sale deed was executed and the allotment remained as it is. The interim order passed by this Court was restraining the respondents from allotting 800 sq.ft. out of 1800 sq.ft. of house site pending W.P.No.382 of 2010. It is now contended that the sale deed was executed by the Board during the pendency of the writ petition. However, the allotment was prior to the filing of the writ petition.

6. Even in respect of the execution of the sale deed, the board subsequently found that it has been executed fraudulently in connivance of four officials of the Slum Clearance Board. The counter affidavit filed by the respondents 1 and 2 states that on receipt of contempt notice, an enquiry was ordered by the Chairman of the Tamil Nadu Slum Clearance Board and based on the enquiry conducted, certain serious lapses were noticed and the



officials, who are all responsible for such serious lapses are punished.

Actions under the Discipline and Appeal rules were initiated against all the officials and the details of the action taken and the punishment imposed reads as under :

<i>S.No</i>	<i>Name of the Official</i>	<i>Punishment Details</i>	<i>Proceedings No. and Date</i>
1	K.Sridharan, Junior Assistant	Compulsory Retirement	A/2/802/2013 18.12.2014
2	Sathyanarayanan, Assistant	Compulsory Retirement	A/2/802/2013 18.12.2014
3	K.Ramani, Estate Officer	Stoppage of increment without cumulative effect 2 years and order to recovery of Rs.26,160/-	A/2/802/2013 31.12.2013 (On 30.06.2013 retired)
4	M.Nagarajan, Superintendent	Stoppage of increment without cumulative effect for 2 years	A/2/802/2013 31.12.2013 (on 31.03.2017 retired)

7. Therefore, the illegal act committed with the connivance of the few officials cannot be validated and based on such illegal execution of sale deed by few officials of the Board, the Chairman cannot be punished under a contempt proceedings.

8. Contempt petition no doubt is filed against the Chairman and the Managing Director of the Tamil Nadu Slum Clearance Board. However,



both of them had acted immediately on receipt of contempt notice and initiated action against all the officials who were involved and committed irregularities and illegalities and all those officials were punished and it was brought to the notice of this Court that none of the four officials are in the services of the Board. This being the actions taken by the respondents 1 and 2, on receipt of contempt notice, this Court do not find any willful disobedience on the part of the respondents 1 and 2. The sale deed was executed during the pendency of the writ petition in favour of the said Smt.R.Vijayalakshmi only in collusion of the officials and without the knowledge of the Chairman and the Managing Director of Tamil Nadu Slum Clearance Board.

9. Thus, the respondents 1 and 2 had initiated action by conducting an enquiry and therefore, this Court is of the opinion that the respondents cannot be held liable for willful disobedience of the orders of this Court and in respect of the illegal sale deed executed in favour of Smt.R.Vijayalakshmi, the officials who committed misconduct were punished and they are all not in the services of the Tamil Nadu Slum Clearance Board.



10.This being the factum, the petitioner could not able to establish any willful disobedience of the interim order passed by this Court. Accordingly, the contempt petition stands closed. No Costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)
ars/mka
//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.
GS/27/01/2022

To

- 1.The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chepauk, Chennai-600 005.
- 2.The Managing Director,
Tamil Nadu Slum Clearance Board, Chennai-600 005.