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Cont.P.Nos.2033, 2034, 2035 & 2036/2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Cont.P.Nos.2033, 2034, 2035 & 2036/2013

Mrs.P.Indira Prasad

.. Petitioner in
Cont.P.No.2033/2013

Dr.K.V.Muralidharan

.. Petitioner in
Cont.P.No.2034/2013

Mr.M.Nithyanandam

.. Petitioner in
Cont.P.No.2035/2013

Mr.Bhaskar Sarathy

.. Petitioner in
Cont.P.No.2036/2013

Versus

1.Mrs.Sundaravalli
Collector of Chennai
NO.62, Rajaji Salai
Chennai 600 001.

2.Seetha Lakshmi
The District Revenue Officer
Land and Estate Department
Corporation of Chennai
Ripon Building, Chennai 600002.

3.Mr.Gnanasekaran
Tahsildar, Egmore-Nungambakkm Taluk
Chennai 600 031.



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4.Mr.Nedunchezhiyan
Assistant Engineer
Highways Department
Chennai.

5.Mr.Tulasi
Revenue Inspector,
Revenue Department
Egmore-Nungambakkam Taluk
Chennai 600 031.

.. Respondents in
all Contempt Petitions

Common Prayer:- Contempt petitions filed under section 11 of the Contempt of Courts Act to punish the respondents for wilful disobedience of the order of this Court dated 20.08.2013 passed in WP.No.23009 to 23012 of 2013.

For Petitioners in
all Petitions : Mr.S.R.Rajagopal

For Respondents in
all Petitions : Mr.M.Elumalai
Additional Government Pleader

COMMON ORDER

**[Order of the Court was made by M.SATHYANARAYANAN, J. through
Video Conferencing]**

(1)The petitioners filed WP.Nos.23009 to 23012/2013 against [1]The Secretary to Government, Government of Tamil Nadu, Revenue Department ; [2] The Collector of Chennai ; [3] The District Revenue Officer, Land and Estate Department, Corporation of Chennai ; and [4] The



Tahsildar, Egmore-Nungambakkam Taluk, Chennai, praying for issuance

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of a writ of certiorarified mandamus calling for the records of the 2nd respondent culminating in the issuance of the order dated 06.08.2013 and to quash the same with a consequential direction, forbearing the respondents from initiating any action in respect of the property which is the subject matter of orders impugned under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

(2)The learned counsel for the petitioners, on instructions, chose to withdraw the said writ petitions and the writ petitions were dismissed as withdrawn with certain directions and it is relevant to extract the same:-

"4.These writ petitions are dismissed as withdrawn and the petitioners are given liberty to file the revision under section 10 [c] of the Act within three days days from today and also the stay application and if the papers are in order, the Commissioner of Land Administration, Chepauk, Chennai-5, is directed to take up the revision and stay application on file and dispose of the stay application as expeditiously as possible and not later than two weeks from the date of receipt of a copy of this order and till such time, the parties are directed to maintain status quo as exists today.."

(3)The learned counsel for the petitioners would submit that immediately on

the next day, the petitioners jointly submitted a representation dated



21.08.2013 to the 4th respondent / 4th contemnor and despite that, they

proceeded further and demolished the entire superstructure and therefore, the above cited common order passed by this Court, granting liberty to the petitioners to work out their further remedy, has become futile and since the said act on the part of the contemnors are deliberate and wilful, prays for appropriate orders.

(4)The Assistant Divisional Engineer [H], Construction and Maintenance, City Roads Section II, Chennai-15, has filed the counter affidavit and it is relevant to extract paragraph No.8:-

"8.I humbly submit that as scheduled we along with the revenue people started eviction process on 21.08.2013 at about 10.00 a.m., without any knowledge of grant of status quo by the Hon'ble High Court. I humbly further submit that during the process of eviction, at about 1.00 p.m., I was informed over the phone by the Law officer of the Office of the Government Pleader to stop the eviction process. Immediately, on receipt of the information we stopped the eviction process at once, which is evident from the photographs submitted herewith."

(5)The learned counsel for the petitioners would submit that the directions given in the said order has been brought to the knowledge of the 4th

respondent/4th contemnor at the earliest and without heeding to the same,



the concerned officials, in an high handed manner and in utter violation and wilful disobedience of the orders, had proceeded further urgently and demolished the entire superstructure and as such, they should be punished appropriately.

(6) Per contra, Mr.M.Elumalai, learned Additional Government Pleader appearing for the contemnors would submit that after removal of the encroachment, an order came to be passed by the Additional Chief Secretary / Commissioner of Land Administration on 23.05.2014 and challenging the legality of the same, WP.Nos.15962, 15964, 15963 and 15965/2014 were filed to quash the said order and the said writ petitions were disposed of and challenging the same, SLP [C] Nos.32352, 33283 and 32344/2015, filed by some of the petitioners, also came to be dismissed vide order dated 30.01.2017 and since due process of law has been followed, the respondents / contemnors did not commit any wilful disobedience and prays for closure of the contempt petitions.

(7) This court has carefully considered the rival submissions and also perused the materials placed before it.

(8) The common order which is the subject matter of contempt, came to be passed on 20.08.2013 and the copy of the order has been made ready on 21.08.2013 and taken delivery also on that day. The 1st petitioner, sent a



communication dated 21.08.2013 to the 3rd contemnor as to the directions

given in the above cited common order and also informed that if any further action is taken, it may go against the orders passed by this Court. It is the stand of the respondents that the demolition process has commenced at 10.00 a.m., on 21.08.2013 and it went on till 1.00 p.m. and at that time, a phone call emanated from a Law Officer attached to the Office of the Government Pleader, High Court, as to the said direction and immediately further proceedings have been halted.

(9) In the considered opinion of the Court, unless the acts of contempt is clear and explicit, this Court cannot proceed further as the order resulting in punishment is having serious civil consequences insofar as the concerned officials are concerned. Moreover, the subsequent proceedings of the Additional Chief Secretary/Commissioner of Land Administration dated 23.05.2014 were also put to challenge by the petitioners which came to be disposed of on 20.06.2014 and further challenge made by Special Leave Petitions, also came to be rejected vide order dated 30.01.2017.

(10) The learned Additional Government Pleader would submit that after removal of the encroachments, there are no fresh or re-encroachments and only the road has been expanded and the said submission on instructions, is placed on record.



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(11) In the light of the reasons assigned above, all the contempt petitions are

closed.

SD/-
ASSISTANT REGISTRAR(COMM. CASES)

AP

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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GS/16/04/2021

To

- 1.The Collector of Chennai
NO.62, Rajaji Salai
Chennai 600 001.
- 2.The District Revenue Officer
Land and Estate Department
Corporation of Chennai
Ripon Building, Chennai 600002.
- 3.The Tahsildar, Egmore-Nungambakkam Taluk
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- 4.The Assistant Engineer
Highways Department
Chennai.
- 5.The Revenue Inspector,
Revenue Department
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