



WEB COPY

Cont.P.No.2146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Contempt Petition No.2146 of 2019

A.Dhanasgopal,
New No.40, Old No.10A,
Vellalar Street,
Mugappair, Chennai 600 037

.. Petitioner

Vs.

1. Dr.D.Karthikeyan, I.A.S.,
Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008

2. Mr.Murali,
Special Tahsildar,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008

.. Respondents

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for not complying with the orders of this Court dated 03.01.2019, made in W.P.No.30249 of 2018.

For Petitioner	: Mr.M.S.Subramanian
For Respondent 1	: Mr.P.Wilson, SC for Mr.Thiruvengadam
For Respondent 2	: Mr.K.M.D.Muhilan
	Government Advocate

ORDER

This contempt petition has been filed alleging non compliance of the order passed by this Court in W.P.No.30249 of 2018, dated 03.01.2019.

<https://hcservices.ecourts.gov.in/hcservices/>



2. Earlier, this Court by an order dated 03.01.2019, directed the respondents to pay the compensation as ordered by the Hon'ble Supreme Court in C.A.Nos.12605 to 12621 of 1996, dated 23.09.1996. Alleging that the order has not been complied with, the present contempt petition has been filed.

3. Earlier, when the matter came up for hearing, there was a dispute regarding the actual amount payable to the petitioner as per the order passed by the Hon'ble Supreme Court, hence the matter was adjourned several times to arrive at the correct amount payable to the petitioner.

4. Today, a counter affidavit has been filed by the CMDA, wherein, it has been shown that as per the orders passed by the Hon'ble Supreme Court, the petitioner is entitled for a sum of Rs.1,45,723.52, however, a sum of Rs.1,05,551.05 has already been deposited and a sum of Rs.73,687/- has been paid in excess towards the land value and after deducting the same, a sum of Rs.33,442.48 has been paid to the petitioner and hence the respondents have not committed any contempt.

5. The quantum, of compensation arrived at by the respondents was seriously disputed by Mr.M.S.Subramanian, learned counsel appearing for the petitioner. He submitted that the calculation arrived at by the CMDA is not in consonance with the order passed by the Hon'ble Supreme Court. He further submitted that subsequently the Hon'ble Supreme Court considered the factual



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dispute between the parties regarding the actual amount payable to the petitioner and the calculation of CMDA is totally against the order passed by the Hon'ble Supreme Court.

6. Considering the submission made on either side, there is a dispute regarding the quantum of compensation payable to the petitioner. If at all the petitioner has any grievance over the quantum arrived at by the respondents, it is always open to him to challenge the same in the manner known to law. As per the respondents now the admitted amount has been deposited, in these circumstances there is no willful disobedience of the order and the contempt petition is closed. However liberty is granted to the petitioner to challenge the compensation as fixed by the respondents in the manner known to law. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kk

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/28/07/2021



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To

The Special Tahsildar,
Land Acquisition,
Chennai Metropolitan Development Authority,
Egmore, Chennai 600 008