



Contempt Petition No.503 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.07.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HONOURABLE MRS.JUSTICE N.MALA

Contempt Petition No.503 of 2015

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L.T.William Moses

.. Petitioner

Vs.

1.Mrs.E.Sundaravalli, I.A.S.,
District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

2.Mr.Vikram kapoor, I.A.S.,
Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

.. Respondents

Contempt Petition filed under Section 11 of the contempt of Courts Act to
punish the respondents for having willfully and deliberately not complied with the
Final Orders passed by this Court in W.P.No.27317 of 2012, dated 07.11.2012



Contempt Petition No.503 of 2015

For Petitioner : Mr.T.S.Rajamohan
For Respondents : Mr.J.Ravindran Addl. Advocate General,
assisted by Mr.A.Selvendran Spl. Govt. for R-1

Mr.J.Ravindran, Addl. Advocate General
assisted by Mrs.J.karthika Ashok for R-2

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Contempt Petition has been filed to seek compliance of the order dated 07.11.2012 passed in W.P.No.27317 of 2012.

2. This Contempt Petition is filed in the year 2015, where, after various directions given to the respondents to remove the encroachment, the second respondent-Chennai Corporation has filed a report, dated 21.06.2022 with photographs to show that the encroachment has been removed. A copy of the said report has also been given to the learned counsel for the petitioner.

3. The petitioner has filed an affidavit, dated July 2022, indicating that the report, dated 14.06.2019, earlier submitted by the second respondent, was not accepted by this Court, and thereby encroachment has not been removed. The

Page No.2/5



petitioner has however failed to give the details of any particular person or any area from where the encroachment has not been removed, because, the photographs now submitted by the second respondent, show that the action had been taken to remove the encroachment. The petitioner seems to be repeating the story of 2019 in his affidavit filed in July 2022, without making any statement of facts to show that no action has been taken and specifically, in reference to the report filed by the second respondent-Chennai Corporation along with the photographs. The affidavit dated July 2022 given by the petitioner does not contain even the name of the person said to be in encroachment even now. A vague reply has been given by the petitioner in his affidavit, dated July 2022, to repeat the same facts, which cannot be opened in the Contempt Petition looking into its limited scope of the Contempt Petition and otherwise, this Court will not enter into the disputed questions of facts. The Contempt Petition can be taken up only when there is deliberate intention of non-compliance of the order.

4. We find that sufficient compliance of the order under contempt has been made and there is no deliberate intention on the part of the respondents to flout the directions issued by this Court, dated 07.11.2012 passed in W.P.No.27317 of 2012, which is coming out from the pleadings submitted by the respondents/contemnors along with the photographs.



Contempt Petition No.503 of 2015

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5. In view of the above, we order to close the Contempt Petition with the aforesaid observations. The notice for contempt issued against the respondents/contemnors, is discharged. There shall be no order as to costs.

(M.N.B., C J) (N.M.,J)
11.07.2022

Speaking Order: Yes/no
CS

To

1.The District Collector,
Chennai District,
Singaravelar Maaligai,
Chennai-600 001.

2. The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai-600 003.

Page No.4/5



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Contempt Petition No.503 of 2015

THE HONOURABLE CHIEF JUSTICE
and
N.MALA, J

CS

Contempt Petition No.503 of 2015

11.07.2022

Page No.5/5