



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2022

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.681 of 2022

in

WMP No.18698 of 2020

1. T.Rajendran
2. S.Thanikachalam
3. M.Ravi
4. T.Elango
5. M.Sathish

...Petitioner /Petitioner

VS.

1. Gangadeep Singh Bedi
The Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai 600 003.
2. S.P.Balasubramaniam
The Superintending Engineer,
(Strom Water Drain),
Greater Chennai Corporation,
Ripon Building, Chennai 600 003.
3. Ramesh Babu,
The Zonal Officer (Cum)
Assistant Executive Engineer,
Zone VII (Ambattur),



Thiruvallur High Road,
Opp Dunlop, Chennai 600 053

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..Respondents / Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willfull disobedience and failing to implement the orders of this Court dated 22.10.2020 passed in W.M.P.18698 of 2020 in WP No.15014 of 2020.

For Petitioner : M/s.Paul and Paul

For Respondent : Mrs.Karthika Ashok
Standing counsel

ORDER

Pursuant to the earlier order passed by this Court on 09.06.2022, the matter was taken up for hearing today. The Assistant Executive Engineer of the Greater Chennai Corporation has filed a counter affidavit along with the relevant photographs. In the affidavit, it has been stated as follows :-

5. *It is submitted that the land comprised in Survey No.71 claimed by the Petitioner and in Survey No.70 both are Sarkar land, where the identification is mistakenly done, in order to do proper survey the request is placed before the concerned Tahsildar and upon which necessary action will be taken by filing*



an Affidavit before this Hon'ble Court in the above W.P.No.15014 of 2020.

6) As there had been a mistaken identification the Greater Chennai Corporation has dug the land, which according to the Greater Chennai Corporation is a water body, but on advice and realising the Order of Interim Injunction the work carried out by the Greater Chennai Corporation was stopped immediately and the dugged out pits were closed. The Photographs exhibiting our stoppage of work was presented before this Hon'ble Court on 22-04-2022, where this Hon'ble Court was pleased to direct the Greater Chennai Corporation to file an Affidavit of Statement. Thus in obedience the Affidavit is filed. In the Interim injunction granted by this Hon'ble Court by an Order dated 22-10-2020 and 03-11-2020 is not violated, it is with great respect adhered by the Greater Chennai Corporation and the mistaken work carried out in the Pond / Land is restored. The Photographs are annexed to this affidavit exhibiting the status of the land.



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2. This Court after hearing the learned counsel appearing on either side and on going through the entire materials, finds that the present status of the property is found at Page No.11 of the documents filed by the respondent corporation and this is a photograph that was taken on 21.04.2022. The learned Standing counsel submitted that this status will be maintained till the disposal of the writ petition.

3. The Greater Chennai Corporation had dug certain pits in the property that is claimed by the petitioner and this work has been stopped after the contempt petition was entertained by this Court. The status quo of the property as found in the photograph taken on 21.04.2022, shall be maintained until further orders are passed by this Court in the writ petition. It is also made clear that the respondent corporation will not undertake any work until further orders are passed by this Court.

4. Considering the facts and circumstances of the case, it will be more appropriate if the main writ petition itself is taken up for hearing. The Registry shall post the main writ petition itself for hearing



before the concerned Portfolio judge.

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5. In view of the above, this contempt petition is closed.

01.07.2022

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

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Assistant Executive Engineer,
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Thiruvallur High Road,
Opp Dunlop, Chennai 600 053
4. The Public Prosecutor,
High Court, Madras.



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N. ANAND VENKATESH, J.

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