



Contempt Petition No.290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.290 of 2023

Ayesha Begum
W/o.Late Zakir Hussein

... Petitioner/Petitioner

Vs.

M.Sivaguru Prabakaran, I.A.s.,
The Deputy Regional Commissioner,
Zone-5, Royapuram, Chennai City Corporation,
Old Washermanpet, Chennai - 011.

... Respondent/Respondent

Prayer : Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971, praying to punish the respondent for willful disobedience of the order passed by this Court in W.P.No.21622/2021, dated 21.10.2021.

For Petitioner : Mr.R.Venkatesan

For Respondent : Ms.P.T.Ramadevi
Standing Counsel



ORDER

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This contempt petition has been filed alleging non-compliance of the order passed by this Court in W.P.No.21622/2021, dated 21.10.2021.

2. When the writ petition was disposed of by this Court by order dated 21.10.2021, the following direction was issued:

'5. Taking into consideration the facts and circumstances of the case and the specific stand taken on either side, there shall be a direction to the petitioner to make a fresh representation to the second respondent along with all the relevant documents to show her ownership over the property. Immediately on receipt of the same, the second respondent can take a decision and on being satisfied with the ownership of the property, the second respondent shall proceed to demolish the property after collecting necessary charges from the petitioner. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order.'

3. A compliance report dated 09.03.2023 has been filed by the respondent. The relevant portion in the compliance report is extracted hereunder:

'8. I respectfully submit that the building in question is owned by joint owners, all the owners of the building have to apply jointly for demolition plan with the Greater Chennai Corporation. Further, only the petitioner herein has approached the Greater Chennai Corporation by way of Writ Petition praying to demolish the dilapidated building.



WEB COPY

9. I respectfully submit that the petitioner is the owner of 2/3rd undivided share of the land with building at Old Door No.1/2 New door No.2 Pannaikara Andiappan Street, Seven Wells, George Town, Chennai - 600 001 and the other 1/3rd owner name and whereabouts were not known, the Greater Chennai Corporation is not in a position to take further action to demolish the old building. Further, stating that the above fact a letter dated 24.02.2023 was addressed to the petitioner herein through registered post and the petitioner herein has received and acknowledged the same.

10. I respectfully submit that since the building is having a height of less than 6 feet preventive measure has been taken by fencing the same with tin sheet with a view to safeguard the general public using that road. Since the 1/3rd owner name and whereabouts were not known, the Greater Chennai Corporation has taken step by placing a display board at the building directing to the said owner of the building to communicate the Greater Chennai Corporation immediately.'

4. In the considered view of this Court, a direction was given to the respondent to demolish the property after collecting necessary charges only if the petitioner satisfies that she is the absolute owner of the property. On going through the compliance report, it can be seen that the petitioner is the owner of only 2/3 share. The property has already been barricaded to ensure

N. ANAND VENKATESH, J

gm



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that no untoward incident happens. It is left open to the petitioner to get the concurrence from the owner of 1/3 share and once the same is submitted before the respondent Corporation, they shall proceed further to comply with the directions issued by this Court in the writ petition.

This Contempt Petition is disposed of with the above direction.

10.03.2023

Index : Yes/No
Speaking Order / Non Speaking Order
Neutral Citation: Yes/No
gm

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