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Contempt Petition No.577 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.B. BALAJI

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Dr.Ambedkar Nagar
Kalvaithurai Salai
Colony; Kudiyirupor Sangam,
Represented by its President
T.Dharmalingam
Dr.Ambedkar Nagar 2nd Street,
Aspiren Garden Street,
Kalvaithuri Salai Colony,
Kilpauk, Chennai – 600 010.

... Petitioner

Vs.

1.Mr.Dharmendra Pratap Yadav, I.A.S.,
Secretary to Government,
Housing Urban Development Department,
Fort St. George, Chennai – 600 009.

2.Mr.Hitesh Kumar S.Makwana, I.A.S.,
Chairman, The Tamil Nadu Slum
Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.



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3.Mr.R.Kirlosh Kumar, I.A.S.,
Managing Director,
The Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
Chennai – 600 002.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.12288 of 2006, dated 12.03.2008.

For Petitioner	:	No appearance
For R1	:	Mr.T.Seenivasan Special Government Pleader
For R2	:	Mr.S.Karthikeyan Standing Counsel
For R3	:	Mr.Krishna Ravindran

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This Contempt Petition is filed alleging willful disobedience of the order of this Court made in W.P.No.12288 of 2006, dated 12.03.2008.



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2.Learned counsel for the petitioner is absent. Heard the respective learned counsel appearing for the respondents.

3.While disposing of the writ petition filed by the petitioner Association, this Court passed the following order :

“2.This writ petition has been filed by an Association of encroachers upon lands in Survey Nos.63/2, 63/3 and 62/2, Kalvaithurai Salai, Aspirin Garden, Egmore Village, Kilpauk, Chennai-10 and their prayer is for providing them alternative accommodation in terms of G.O. Ms. No.1488 dated 3.11.1988.

3.Today, while disposing of Writ Petition No.1923 of 2008 filed by another Association, we have directed the respondents to remove the encroachments from the aforesaid survey numbers and to provide alternative accommodation to the eligible hutment dwellers in terms of G.O. Ms. No.1488 dated 3.11.1988.

4.In view of the order passed in that writ petition, nothing survives in this writ petition and this writ petition stands disposed of accordingly. No costs. Consequently, W.P.M.P. No.13876 of 2006 is closed.”



4.Despite the order of this Court was dated 12.03.2008, this

Contempt Petition is filed in 2023 mainly on the ground that several members of petitioner Association have not been given assignment for alternative accommodation, for which they are really entitled to by complying with the order of this Court, dated 12.03.2008. Though it is admitted by the petitioner in the affidavit filed in support of this Contempt Petition that, in response to the legal notice, the 3rd respondent issued a reply stating that eligible hutment dwellers were identified in terms of the Government Order by detailed enquiry and the eligible families were given allotment, it is stated that, those who had not produced documentary evidence during enquiry and not living in Kalvaithurai area as specified in the Government Order, were not found eligible for alternative accommodation as per the Government Order. It is stated by the petitioner that several members of petitioner Association approached the Chairman of 2nd respondent authority and submitted a requisition letter on 13.08.1996, stating that the authority of 2nd and 3rd respondents, with the help of Tamil Nadu Police, demolished their huts without any prior notice and that they were unlawfully evicted. It is further stated that, therefore, many of the members of petitioner Association were not in a position to produce any documentary evidence.



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5. Therefore, this Contempt Petition is on the basis of individual grievance as a result of inability to produce documents. The petitioner has admitted before this Court in this Contempt Petition that they were unable to produce any documentary evidence but still complain that the respondents did not comply with the directions of this Court. This Court, from the affidavit filed in support of this petition, finds no cause for filing a Contempt Petition.

6. It is seen that the Division Bench of this Court, while passing the order dated 12.03.2008 in W.P.No.12288 of 2006, has noticed the order passed in an earlier writ petition in W.P.No.1923 of 2008 filed by a different Association. Learned counsel appearing for the 3rd respondent produced before this Court the order passed in the earlier writ petition in W.P.No.1923 of 2008, dated 12.03.2008, wherein, a detailed order was passed. The respondents were directed to remove the encroachment from the specified Survey Numbers and provide alternative accommodation to the eligible hutment dwellers in terms of G.O.Ms.No.1488, dated 03.11.1988. In the detailed order in the earlier writ petition in W.P.No.1923 of 2008, this Court has also observed that it is left to the



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State Government to decide whether the encroachers who have occupied the lands subsequently to the cut-off date should be given any alternative accommodation or not. Therefore, this Court is unable to accept the contention of the petitioner that the respondents have not complied with the directions of this Court, merely by saying that they have an explanation for not producing records to substantiate their eligibility in terms of the Government Order. There is no direction by this Court to provide alternative accommodation to everyone.

7. Therefore, this Court finds no merit in this Contempt Petition.

Accordingly, this Contempt Petition is dismissed.

(S.S.S.R., J.) (P.B.B., J.)
20.03.2023

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To

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai – 600 009.

2. The Chairman,
Tamil Nadu Slum Clearance Board,
No.5, Kamarajar Salai,
Chennai – 600 005.



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3.The Managing Director,
Chennai Metropolitan Water Supply
and Sewerage Board,
No.1, Pumping Station Road,
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and
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