



Contempt Petition No.1396 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1396 of 2022

S.Arumugam

.. Petitioner

Vs

1. S.Karikalan
Executive Engineer and
Administrative Officer,
Erode Housing Unit,
Tamilnadu Housing Board,
Surampatti Four Roads,
Erode-638 009.
2. S.Karikalan
(i/c) Manager -Marketing and Service,
Erode Housing Unit,
Tamilnadu Housing Board,
Surampatti Four Roads,
Erode-638 009.
3. The Managing Director,
Tamil Nadu Housing Board, E & C Market Street,
CMDA Complex, Koyambedu, Chennai-600 105.

(Suo moto Impleaded as 3rd Respondent as per
the order of the Hon'ble Court dated 22.08.2022
made in Cont P.No.1396 of 2022)

.. Respondents



Prayer: This Contempt Petition filed under Section 11 Court of Act of the Constitution of India may be pleased to punish the Respondents for non-compliance of the order dated 22.12.2021 passed in W.P.No.36093/2016 on the file of this Hon'ble Court.

For Petitioner : Mrs.Kaithamalai Kumaran

For Respondents : Mr.D.Veerasekaran for TNHB

ORDER

The contempt petition is filed to punish the respondents for willful disobedience of the orders passed by this Court on 22.12.2021 in W.P.No.36093 of 2016, wherein in paragraphs 5 and 6, it has been observed as under:-

“5.Consequently, the impugned order dated 06.09.2016 passed in Letter No.R3/9301/98 is quashed and the petitioner in the event of settling the full and final cost to the Tamil Nadu Housing Board, the respondents shall initiate all appropriate steps to confirm the allotment and execute all necessary documents for the said purpose.

6. Accordingly, the Writ Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.”

2. The grievances of the petitioner are that pursuant to the orders passed by this Court, the petitioner was ready and willing to settle the final cost



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to the Tamil Nadu Housing Board and it was settled. Despite the fact that the Housing Board received the final cost from the petitioner, they have not executed all necessary documents in favour of the petitioner. Thus the petitioner is constrained to move the present Contempt Petition.

3. The learned counsel for the respondents for Housing Board raised an objection by stating that there was no adjudication regarding the criminal case in the writ proceedings and in the Writ Petition, the petitioner has projected that as if he is no way connected with the criminal case and his documents were under scrutiny. Thus this Court has received the cost and final documents. On verification, the Housing Board found that the documents of the petitioner is also under the scrutiny and investigation by the District Crime Branch, Erode and in this regard, the Inspector of Police, the District Crime Branch, Erode communicated the letter on 05.01.2023, which would reveal that the documents belonging to the petitioner are under investigation and has been sent for forensic analysis. This factum now brought to the notice of this Court, the petitioner is at liberty to pursue criminal case and only after disposal of the criminal case, the Housing Board would be in a position to take a final decision and act accordingly. Since the involvements of the petitioner and his documents in the criminal case were brought to the notice of this Court at the time of



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adjudication, this Court is of the opinion that the respondents have not said to be disputed the orders of this Court and consequently, the contempt petition stands closed.

02.02.2023

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation:Yes/No

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