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Contempt Petition No. 1543 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 1543 of 2023

and

Sub Application (OS) No. 477 of 2023

P.M.Rajasekaran

... Petitioner

-VS-

1. Radhakrishnan,
The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600003.
2. Surya Prakash,
The Commissioner,
Land and Property Department,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600003.
3. Larence,
The Executive Engineer,
Basin Bridge Road, Zone- 5,
Greater Chennai Corporation,
Chennai – 600021.

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent for the act of disobedience of the Order dated 17.04.2023 passed in W.P. No. 8097 of 2023 on the file of this Hon'ble Court.



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For Petitioner : Mr. W.M.Abdul Majeed and
Ms. G.Sumitra

For Respondents : Mr. J.Ravindran
Additional Advocate General
for Ms. K.Aswini Devi
Standing Counsel

ORDER

Heard Mr. W.M.Abdul Majeed and Ms. G.Sumitra , Learned Counsel for the Petitioner and Mr. J.Ravindran, Learned Additional Advocate General for Ms. K.Aswini Devi, Learned Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition is prosecuted for failure of the Respondents to comply with the order dated 17.04.2023 passed in W.P. No. 8097 of 2023 passed by the Court, which reads as follows:-

“7. In the considered view of this Court, there is no dispute with regard to the fact that the Petitioner is in possession and enjoyment of the subject property. If the respondent Corporation wants to take over the property, they can do so only in the manner known to law. Hence, the possession and enjoyment of the



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Petitioner shall not be interfered and if at all, the Respondent Corporation wants to initiate any proceedings, the Petitioner shall be put on notice and thereafter, it is left open to the Corporation to proceed in accordance with law. This Court does not want to go into the inter se rights of the parties in the subject property and the same is not within the scope of this writ petition. Hence, that issue is kept open. ”

3. Learned Additional Assistant Standing Counsel for the Corporation states that proceedings under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1973 (hereinafter referred to as 'the Act' for short), had been taken and that copy of the eviction Notice No. Ni. Ma. Vu. Thu. Na. Ka. N. L4/4896/2000 dated 08.01.2021 under Section 4 of the Act has been produced. In view of the same, nothing remains for further consideration in the Contempt Petition., but if the Petitioner still has any grievance to be redressed in the matter, he is not precluded from working out his rights before the proper forum in the manner recognized by law.



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In fine, the Contempt Petition is closed with the aforesaid observations.

No costs.

16.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 01.02.2024.

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To

1. The Commissioner,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600003.
2. The Commissioner,
Land and Property Department,
Greater Chennai Corporation,
Ribbon Building,
Chennai – 600003.
3. The Executive Engineer,
Basin Bridge Road, Zone- 5,
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P.D. AUDIKESAVALU, J.

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