



Cont.P.No.2408 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.2408 of 2022

Olympia Grande Apartments
Owners Welfare Association
Olympia Grande, Reg.No.569/16
328, GST Road, Pallavaram
Chennai – 600 043.

.... Petitioner

-Vs-

Dr.M.Elangovan
The Corporation Commissioner
Chennai 600 045.

.... Respondent

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act to punish the respondent herein for their wilful disobedience of the order passed by this Court in W.P.No.26586 of 2019 dated 23.03.2022.

For Petitioner : Mr.M.Selvam
For Respondent : Mr.P.Srinivas, Standing Counsel

ORDER

This Court, by an order dated 23.03.2022 in W.P.No.26586 of 2019 passed an order, wherein the relevant portion reads thus,

“ 7. Since this was the only suggestion made by the respondent Municipality on the other day as recorded above and



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that has been now acceded to by the petitioner as submitted by the learned Senior Counsel appearing for the petitioner and the certiorari portion has already been infructuous as recorded above, this Court is inclined to dispose of this writ petition with the following orders:

(i) That the impugned order since has become infructuous, no need to pass any orders as to the validity of the same.

(ii) Insofar as the consequential mandamus portion is concerned, as agreed by the petitioner, he shall pay the necessary charges to be incurred for drawing water from the nearby water tank belongs to the 1st respondent Municipality by laying the pipeline to give water connection directly to the petitioner-s apartment/flat and on payment of such charges, there shall be no further impediment for the 1st respondent to extend the water connection to the petitioner-s flat.

(iii) It is made clear that, in this regard after the estimation, the 1st respondent Municipality shall intimate the cost to be incurred to the petitioner, who, on receipt of the same, shall deposit the said amount in the account of the 1st respondent



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Municipality and after receipt of the same, the needful as indicated above shall be undertaken by the Municipality and at any rate, the water connection shall be provided in the above terms to the petitioner-s flat within a period of six weeks thereafter.

(iv) It is made clear that, if any other apartment owner or flat owner wants to have separate water connection from the 1st respondent Municipality, the same procedure can be adopted by depositing the money to be incurred in this regard and if any joint work of pipeline can be done for more than one flat subject to technical facility, that can also be explored and accordingly, the Municipality can indicate the cost incurred for one flat or group of flats owners and accordingly, the cost to be worked out, to be deposited by the respective flat owners based on which, the water connection can be given.

(v) With regard to the removal of garbage being dumped from these 721 flats are concerned, the needful shall be undertaken by the respondent Municipality in accordance with law at the request of the respective flat owners, for which, if any



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charge is to be levied, that can also be levied and collected by the Municipality.”

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2. In the said order in Para 7(ii) and (iii), the amount ie., the direction was that the petitioner shall pay the necessary charges ie., the estimated charges and on receipt of the same, needful shall be undertaken by the respondent municipality. These directions have allegedly not complied with by the respondent and therefore the present contempt petition has been filed.

3. During the last hearing, since no one appeared even though notice has been issued, statutory notice was issued to the respondent Commissioner to appear before this Court.

4. Pursuant to which, Mr.M.Elangovan, Commissioner, Tambaram Corporation appeared before this Court. His appearance is noted.

5. Mr.P.Srinivas learned Standing counsel for the respondent Corporation has filed a counter affidavit, wherein inter alia the following has been stated.

“ 5. It is submitted that the order of this Hon'ble Court was scrupulously followed and the required estimates for the



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provision of dedicated water supply line to the petitioner's apartment building. The estimate was prepared after survey and a letter dated 11.08.2022 was sent to the petitioner and the petitioner Thiru.Narayanamurthi has received the same on 30.8.2022. It was informed regarding the charges payable for the provision of the 8 water connections and also the estimate for the bulk supply line by a dedicated line to the complex. The same was received by the petitioner with his objections

6. A reminder on the said letter was sent by letter dated 15.09.2022. For this also the petitioner did not submit any reply. This letter was sent by RPAD and also served in person and it was received by the petitioner on 20.09.2022. It is submitted that the petitioner was also informed that the amounts of deposits and charges that have been remitted at the time of registering for the water supply during the time of applying for the Planning and Building permission was taken into account and the petitioner was required to pay the balance amount alone. Rs.39,40,000/- had been remitted already and the estimate for the cost of 8 separate connections was estimated as Rs.59,78,576/- for the entire apartment building. In regard to the cost for the bulk supply by a dedicate line, the estimated cost of Rs.1,13,23,500/- was informed to the petitioner. For both the above options, the petitioner was required only the balance after deducting the amount already paid namely Rs.39,40,000/-".



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6. Relying upon these averments, the learned Standing Counsel for the respondents would submit that, as directed by this Court especially under Clause 7(ii) and (iii) the estimate was drawn and a communication has been sent sometime in August 2022 indicating the amount to be paid by the petitioner. Despite that, the amount has not been paid and there was no response from the petitioner. Hence the question of further compliance of the orders on the side of the respondent Corporation does not arise he contended.

7. For the said submission the learned counsel for the petitioner would submit that already a huge amount has been paid, however insofar as the remaining amount payable by the petitioner as directed by this Court, which has already been indicated by the respondents through their earlier communication, within a shortest possible time the amount shall be paid by the petitioner to the respondent Corporation.

8. In view of the aforesaid, this Court has no hesitation to hold that absolutely there has been no violation on the part of the respondents with regard to the compliance of the orders passed by this Court. Therefore this Contempt petition need not be persuaded. Accordingly this contempt petition is closed.



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9. However, it is made clear that after making necessary payment as indicated by the respondents through the communication referred to above, it is open to the petitioner to pursue the matter with the respondent Corporation and in that case, the respondent Corporation shall act upon as directed by this Court in Para 7(ii) of the order referred to above.

10. With this observation, the Contempt Petition is closed.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking Order / Non-speaking order
KST
To

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The Corporation Commissioner
Chennai 600 045.



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R. SURESH KUMAR, J.

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