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Sub Appl.(OS) No.754 of 2023
in Cont.P.No.890 of 2022

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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

This petition is filed by a third party who wants to implead themselves as a party to the proceedings in Cont.P.No.890 of 2022.

2.Brief facts that are necessary for the disposal of this petition are as follows :

2.1.The petitioner herein, known as “Kurichi Sri Dharmasastha Seva Sangam”, is registered under the Societies Registration Act.

2.2.It is admitted before this Court that, earlier, the 1st respondent herein, who is the contempt petitioner in the above Contempt Petition, filed a writ petition in W.P.No.10516 of 2017 for issuance of a Writ of Mandamus directing the respondents to demolish the unauthorised construction in the area which is reserved for public purposes in the layout promoted by Tamil Nadu State Housing Board. The writ petition was disposed of by order, dated 26.04.2017, directing the 4th respondent



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therein to inspect the site and to take action in accordance with law, after giving notice to all concerned and to conclude the proceedings within a period of two months.

2.3.Pursuant to the said order, it appears that there was an inspection and it was found during inspection that a substantial portion of the property, viz., 30 feet road opposite to the land which was reserved for community hall, has been encroached by a Temple known as “Sree Varasidhi Vinayagar Thirukoil”.

2.4.The petitioner states that the said Temple was under the administration of the petitioner Society and that the petitioner Society is also interested in this *lis*. Therefore, the petitioner has moved this petition to implead themselves in the above Contempt Petition.

3.Heard the learned counsel on either side.

4.The petitioner admits that the Temple has now been under the administration of the Fit Person appointed by the authorities under the Act. Though the Temple is in existence for several decades as contended by the petitioner, the petitioner has no right to get themselves impleaded



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as a party to the Contempt Petition, as contempt arises in a different context out of an order passed by this Court earlier in the writ petition filed by the contempt petitioner. The question whether the official respondents against whom directions were issued by this Court earlier has been complied or not, has to be decided in the Contempt Petition. The petitioner Society, as a person interested in the Temple, has not even challenged the order in the writ petition, directing removal of any construction in the property which is reserved for public purposes.

5.In the said circumstances, even by impleading the petitioner, this Court cannot decide the right or entitlement of the petitioner in the Contempt Petition. As far as the petitioner is concerned, it is a third party. So long as the order of this Court in the writ petition is not challenged by any one, it has become final and the petitioner herein, by impleading itself in this Contempt Petition, cannot enlarge the scope of the Contempt Petition.



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6. Therefore, this petition is devoid of merits and hence, dismissed.

(S.S.S.R., J.) (S.M., J.)
19.10.2023

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