



Cont. Petn.No.2734 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.06.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

Contempt Petition No.2734 of 2022

Mrs.Dilshad Begum

...

Petitioner

...Vs...

Mr.Gagandeep Singh Bedi, I.A.S.
The Commissioner
Greater Chennai Corporation of Chennai
Ripon Building
Chennai-600 003

....

Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his wilful disobedience of the order made in W.P.No.33500 of 2019 dated 31.1.2022.

For Petitioner : Mr.A.Ilayaperumal
For Respondent : Mr.D.B.R.Prabhu

ORDER

This Contempt Petition has been filed alleging noncompliance of the order passed by this Court on 31.01.2022 in W.P.No.33500 of 2019.



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2 At the threshold, for the purpose of deciding this contempt petition, certain facts require to be stated.

2.1 The petitioner filed W.P.No.33500 of 2019 against various authorities and certain private parties, seeking a writ of mandamus directing the official respondents to take appropriate action for the illegal and unauthorised construction made by the 13th respondent.

2.2 At the time of hearing of the writ petition by the Division Bench, filing of a civil suit by the private respondents therein against the Wakf Board and Chennai Corporation before the Civil Court seeking permanent injunction, grant of permanent injunction and also filing of a revision thereagainst, were brought to the notice of the Division Bench.

2.3 For his part, Mr. K. Raja Shrinivas, learned Senior Standing Counsel for Chennai Corporation submitted that inasmuch as interim injunction had been granted in the civil suit against Chennai Corporation, they would not be in a position to take action against the illegal and unauthorised construction and that they would be ready to take action in accordance with law, once interim injunction is vacated.



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2.4 Recording the aforesaid submission of Mr. K. Raja Shrinivas,
the Division Bench closed the writ petition.

2.5 Alleging noncompliance of the aforesaid order, this contempt
petition has been filed by the writ petitioner.

3 From the above vignette of facts, it is as clear as the sky that
no direction, much less any specific direction, has been issued in the order
dated 31.01.2022 passed in writ petition. Such being the position, the
contention of the petitioner that there is wilful disobedience of the order
passed in the writ petition, does not cut ice with us. It is open to the
respondent Chennai Corporation to deal with the illegal and unauthorised
construction depending upon the outcome of the civil suit.

With the above observations, this contempt petition stands closed.

[S.V.N,J.,] [V.S.G,J.,]
15.06.2023

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**S.VAIDYANATHAN, J.
AND
V.SIVAGNANAM, J.**

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