



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cont.Pet.No.867 of 2024

M/s.Athulya Assisted Living Pvt., Ltd.,
Rep. by its Authorized Representative,
Fredrick Antony,
having registered office at
No.40, North Phase,
5th Cross Street, Kalaimagal Nagar,
Chennai – 600 032.

... Petitioner

Vs.

1.R.Dinesh
The Inspector of Police,
T3, Pallavaram Police Station,
Pallavaram,
Chennai – 600 043.

2.Mr.Chandrasekaran,
Secretary,
Olympia Grande Apartment Owners' Welfare Association,
323, GST Road, Pallavaram,
Chennai – 600 043.

... Respondents

Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971,
pleaded to punish the respondents for willful and deliberate disobedience of the order
dated 20.07.2023 passed by this Court in W.P.No.2160 of 2023.

For Petitioner

: Mr.N.L.Raja
Senior Counsel for
G.Krishnakumar



For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)
for R1

Mr.Arunkumar Rajan for R2

ORDER

This Contempt Petition has been filed praying to punish the respondents for willful and deliberate disobedience of the order dated 20.07.2023 passed by this Court in W.P.No.21607 of 2023.

2.When the matter was taken up for hearing today, a detailed affidavit of the 2nd respondent has been filed. The 2nd respondent was also present at the time of hearing.

3.It is not necessary for this Court to go into the various averments made in the affidavit, since it touches upon the merits of the case. What is relevant in this affidavit is Paragraph No.22 and the same is extracted hereunder:

22.In this regard, I hereby undertake that neither the office bearers of the 2nd respondent Association nor its members would resort to any action against the petitioner or its inmates and staff by any illegal means. However, we reserve our right to initiate appropriate legal proceedings against the petitioner to challenge their illegal activities, as well as our right to use common area – UDS and facilities and equipment and open car parking.



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4. The above undertaking given by the 2nd respondent is recorded and it is made clear that neither office bearers of the 2nd respondent Association nor its members would resort to any action against the petitioner or its inmates and staff by any illegal means. It will be left open to the parties to workout their other grievances before the appropriate forum in the manner known to law. This Court expects the 2nd respondent to stand by his undertaking given and not to resort to any other means disturbing the running of the old age home. In the event of any such attempt being made, the 1st respondent is bound to interfere with the same. It goes without saying that whatever criminal cases are pending, they shall be proceeded further with by the 1st respondent in accordance with law.

5. A complaint has been made in the affidavit filed by the 2nd respondent that the petitioner has blocked the drive way around Block-C and as a result, the other members are not able to utilize the common place. This stand taken by the 2nd respondent is vehemently denied by the learned Senior Counsel appearing on behalf of the petitioner and he made it clear that the drive way around the Block was never blocked and it will continue to be used for the purpose for which it was reserved. It will suffice to record this statement by the learned Senior Counsel.



N.ANAND VENKATESH, J

SSR

WEB COPY 6.This Contempt Petition is disposed of in the above terms.

14.06.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

ssr

To

The Inspector of Police,
T3, Pallavaram Police Station,
Pallavaram,
Chennai – 600 043.

Cont.Pet.No.867 of 2024