



WEB COPY



WP No.11704 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

WP No. 11704 of 2025

P.Thomas

Petitioner

Vs

1. The Commissioner
The Greater Chennai Corporation
Rippon Building, E.V.R. Road,
Periamedu, Chennai-78
2. The Executive Engineer
Zone- 10, Greater Chennai
Corporation, No.117, N.S.K. Salai,
Kodambakkam, Chennai-29.
- 3.The Assistant Executive Engineer
Zone 10, Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakkam, Chennai-29.
4. The Assistant Engineer
Division-128, Unit -29, Zone 10
Greater Chennai Corporation,
No.117, N.S.K. Salai,
Kodambakkam, Chennai-29.



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Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 4 to Lock and Seal the entire building including the 1st and 2nd Floors of the building in Plot No.8, New Door No.2, Lambert Nagar 1st Cross Street, Virugambakkam, Chennai 600 092 and proceed further with enforcement action as per law.

For Petitioner : Mr.R.Thiagarajan

For Respondents : Mr. A.Arun Babu
Standing Counsel
for R1 to R4
: Mr.P.R.Raman
Senior Counsel
for Mr.A.Umasankar for R5

* * * * *

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

This petition has been filed seeking issuance of direction to respondents 1 to 4 to lock and seal the entire building including the 1st and 2nd Floors of the building in Plot No.8, New Door No.2, Lambert Nagar 1st Cross Street, Virugambakkam, Chennai 600 092 and proceed further with enforcement action as per law, mainly on the pleading



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that despite the orders of this Court from time to time, the authorities are not complying with the orders of the Court.

2. When this matter came up for consideration on 03.04.2025, this Court noted that even though final order was passed earlier in an identical writ petition by a Division Bench of this Court wayback on 08.12.2023, no action has been taken. The submission made by the learned counsel for the Corporation that they require four weeks' time for locking and sealing and thereafter, to conclude the enforcement action, was also considered.

2.1. Strict observations were made by this Court in the aforesaid order taking serious exceptions to the inaction on the part of the authorities, even though the rectification appeal filed by the 5th respondent was rejected wayback on 14.11.2023. Finally, this Court, by order dated 03.04.2025, directed respondents 1 to 4 to proceed with the actions as per the earlier directions and as per the undertaking given by them before the Court and submit a status report on 30.04.2025.



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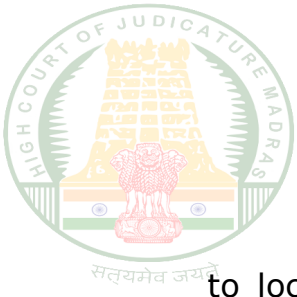
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2.2. However, the case was not listed on 30.04.2025 and it came up for consideration before this Court only on 12.08.2025.

3. To our dismay, we found that despite orders being passed by this Court time and again, no action was being taken in the matter. Because of this inaction on the part of respondents 1 to 4, despite repeated directions issued by this Court, this Court *suo motu* took cognizance and initiated contempt proceedings under Article 215 of the Constitution of India against respondents 1 to 4.

3.1. All the contemnors are present in Court today and their reply affidavits have also been filed, in addition to the status report filed by the Corporation.

4. After having gone through the reply affidavits, we find that the reasons assigned for the delay after the rejection of rectification appeal on 14.11.2023, are that before any action could be taken, one of the occupiers had filed a writ petition before this Court, which was dismissed only on 24.04.2025 and thereafter, when steps were taken



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to lock the premises, the fifth respondent locked the premises from inside and threatened by informing them that she happens to be a senior citizen.

5. Almost four months elapsed since the order of this Court dated 03.04.2025. The said order left no option for respondents 1 to 4 but to proceed to lock and seal the premises, since even after rejection of rectification appeal wayback on 14.11.2023, no action was initiated.

5.1. Though the counter of the first respondent states that M/s.Axis Bank Limited had filed a writ petition before this Court, that petition was also dismissed by this Court on 24.04.2025. It is not stated anywhere in the counter-affidavit that there was any interim order passed soon after the rectification appeal was rejected on 14.11.2023. The reply affidavits of respondents 1 to 4 are surreptitiously silent as to what were the authorities doing after 14.11.2023 till the dismissal of the writ petition filed by the Bank on 24.04.2025.



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6. Moreover, it appears that only when this Court had passed an order on 03.04.2025, the respondents proceeded to comply with the orders and the first and second floors were locked and sealed on 15.07.2025. This, to our mind, was done belatedly. There was no justification unless some interim order was operating to restrain the respondent Corporation from complying with the earlier order passed by this Court wayback on 08.12.2023.

6.1. It appears that when the respondent authorities belatedly proceeded to lock and seal the premises occupied by the fifth respondent, that she is alleged to have given a threat.

6.2. The respondents have been negligent and indolent in complying with the orders of the Court in its true spirit and were only sitting tight over it, giving all opportunities for the occupiers of the building to take other remedies which they could have taken. In the absence of their being an interim order, there is hardly any justification provided by the respondents why the orders of the Court were not complied with within a reasonable period.



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7. Therefore, we are of the view that respondents 1 to 4 are guilty of willful disobedience of the orders of the Court.

7.1. However, having held so, we find that, though belatedly, the premises have now been locked and sealed only when this Court expressed serious displeasure on 03.04.2025 and 12.08.2025. Therefore, in these circumstances, we are not inclined to impose any fine or sentence of imprisonment on the respondent authorities. The respondent authorities have tendered unconditional apology, which is accepted in the circumstances that now the orders have been complied with.

7.2. The respondents are, however, warned to remain cautious and careful in future in the matter of compliance of the orders of the Court.

8. Since the respondent authorities have locked and sealed the premises, respondent No.5 will be at liberty to apply for demolition and then, for re-construction, which shall be considered by the



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respondent Corporation as per law.

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9. Writ petition, accordingly, stands closed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.)(SUNDER MOHAN, J.)
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Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE

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SUNDER MOHAN, J.

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