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W.M.P.No.32921 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.M.P.No.32921 of 2025
in W.P.No.33200 of 2024

- 1.The Vice Chairman,
Chennai Metropolitan Development Authority,
Thalamuthu natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 2.The Member-Secretary,
Chennai metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.
... 1st & 2nd petitioner/1st & 2nd respondents in the writ petition
- 3.Anshul Mishra,I.A.S.,
former Member-Secretary, CMDA,
presently working as the Managing Director,
Tamil Nadu Urban Habitat Development Board,
No.5, Kamarajar Salai, Chepauk,
Chennai – 600 005. ... 3rd petitioner/3rd party

Vs.

S.Selvanayagam

... Respondent

Prayer :

This Writ Miscellaneous Petition is filed under Article 226 of the Constitution of India praying to modify the para 11 & 12 of the order dated 13.12.2024 made in W.P.No.33200 of 2024.



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For Petitioners : Mr.Sivakumar.R
For Respondent : Mr.C.Kulanthaivel

ORDER

Learned counsel for the petitioners would submit that the third petitioner, who was the former Member-Secretary of the second petitioner authority issued a suspension order against the respondent, which was challenged before this Court in W.P.No.33200 of 2024 on the ground that the third petitioner has no jurisdiction to place the respondent under suspension and this Court vide its order dated 06.11.2024, granted an order of interim stay of the said suspension order. On realising the mistake, the third petitioner revoked the order placing the respondent under suspension, vide order dated 09.11.2024. However, when the same was brought to the knowledge of this Court, this Court drawn an adverse inference that the suspension order was revoked contrary to the interim order granted by this Court and imposed a cost of Rs.25,000/- payable by the third petitioner from his salary to the State. Hence, this petition was filed to modify the para 11 of the aforesaid writ petition, where the cost of Rs.25,000/- was imposed against the third petitioner.



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2. Per contra, learned counsel appearing for the respondent/writ petitioner would submit that admittedly without any jurisdiction, the third petitioner issued the suspension order against the respondent/writ petitioner and thereby, an interim stay was granted by this Court. Unless the said order of interim stay is vacated, the third petitioner has no power to revoke the suspension order. Hence, this Court imposed a cost of Rs.25,000/-, which need not be interfered with.

3. Heard the learned counsel on either side and perused the materials available on record.

4. The facts in the present case are not in dispute. For better appreciation, the said order of this Court imposing cost on the 3rd petitioner is extracted hereunder:

“This Court holds that the suspension order cannot be sustained and accordingly sets it aside. Further, the learned counsel for the petitioner’s arguments has to be looked into. When this Court prima facie was convinced that the second respondents order of suspension dated 26.07.2024 is without jurisdiction and granted interim order of stay on 06.11.2024, the second respondent ought to have entered appearance and put forth his defense but has failed to do so. The second respondent



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had not followed the orders passed by this Court and has show disrespect and disregard to the order passed by this Court dated 06.11.2024, and also issued further orders revoking the suspension by order dated 09.11.2024 and transferred him Kalaignar Centenary Bus Terminals. The second respondent has no authority to issue the suspension order and the subsequently, revocation order is also without jurisdiction. The attitude of the second respondent interfering the court proceedings and that the court is seized of the issue either thy could have approached this Court for further proceedings has not done so. Though the Court can proceeds suo motu contempt against the second respondent, this Court is no inclined to do considering the position of the second respondent. But this Court directs the second respondent to pay a cost of Rs.25,000/- to the State from his salary for his contemptuous act and for the adverse remarks made by him towards this Court.”

5. The fact remains that, the third petitioner has no jurisdiction to place the respondent under suspension. Hence, this Court granted an order of interim stay on 06.11.2024. After releasing the mistake committed, the third petitioner revoked the suspension order dated 09.11.2024, which is not contrary to the order of this Court dated 06.11.2024 and it was passed strictly to adhere the terms of the order



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passed by this Court. Hence, the cost of Rs.25,000/- imposed by this Court on 13.12.2024 is hereby set aside/removed.

6. Accordingly, the order of this Court dated 13.12.2024 made in W.P.No.33200 of 2024, particularly para No.11 is modified to the above extent.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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