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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 17.04.2025

Orders Pronounced on : 28.04.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cont.P.No.2790 of 2024

--

1. Mrs.R.Lalithambai, D/o Sivapatha Mudaliar
2. Mr.K.S.Viswanathan, S/o Sivapatha Mudaliar

.. Petitioners

Vs.

[redacted]
The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwain Road, Egmore,
Chennai-600 008. .. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against the respondent for not implementing and violating the order of this Court, dated 22.11.2023 made in W.P.No.32843 of 2023 and award suitable punishment as this Court may deem fit and proper in the circumstances of the case.

For petitioner : Mr.K.V.Subramanian Associates

For respondent: Mrs.P.Veena Suresh,
Standing Counsel for CMDA

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ORDER

This Contempt Petition is filed praying to initiate contempt proceedings against the respondent for not implementing and violating the order of this Court, dated 22.11.2023 made in W.P.No.32843 of 2023 and award suitable punishment as this Court may deem fit and proper in the circumstances of the case.

2. The petitioners have filed earlier a Writ Petition in W.P.No.32843 of 2023 praying to issue a Writ of Mandamus to direct the respondent therein to consider the petitioner's representation dated 10.05.2023 and consequently pass suitable orders as per law, after affording reasonable opportunities to the petitoners by way of personal hearing to be attended by their representatives/Advocates within the stipulated time in the interest of justice.

3. The above said Writ Petition was disposed of on 22.11.2023, directing the respondent to consider the representation made by the petitioners, dated 10.05.2023, after issuing notice to the petitioners as well as interested parties/rival claimants, if any, and thereafter conduct the inquiry and pass appropriate orders on merits and in accordance with law. The said exercise is to be completed within a period of two months from the date of receipt of a copy of

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this order.

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4. Alleging non-compliance of the above order, the petitioners have filed the present contempt petition.

5. According to the petitioners, the order under contempt was passed on 22.11.2023, and the petitioners have sent representation to the respondent and communicated the order under contempt and the reminder was sent on 02.05.2024 and thereafter, they have even issued legal notice on 21.06.2024, which was acknowledged by the respondent and inspite of the same, the order under contempt has not been complied with, leading to filing of the present Contempt Petition.

6. Since the respondent has not complied with the order under contempt, notice was directed to be issued to the respondent and the respondent had filed compliance report stating as follows:

(a) In consideration of the representation dated 10.05.2023, a letter in No.Kl/9547/1996, dated 17.02.2025 was issued by the office of the Member Secretary, CMDA to the petitioners requesting them to attend the personal enquiry to be held on 21.02.2025 at the respondent's office. The petitioners attended the said enquiry on 21.02.2025 and requested the authorities to release

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6.5 cents of land and re-convey, as they are aged and that the land was proposed to be taken for road widening, but the Revenue Records indicate the same to be "poramboke" and hence, re-conveyance of the said 6.5 cents of the subject land, was requested. In the subject representation, the petitioners had requested for re-conveyance of the land of an extent of 6.5 cents in S.No.56/4 of Koyambedu Village out of 17 cents acquired, vide Award No.13/83, dated 23.09.1983 of the Special Deputy Collector (LA), Tamil Nadu Housing Board, Ashok Nagar, Chennai-600 083. As per the above Award proceedings, the petitioner's land in S.No.56/4 in Koyambedu Village, measuring an extent of 0.17 acres, have been acquired, in which the rate of the land value had been fixed at Rs.99 per cent. All the lands under acquisition are low lying due to excavation of earth and wherein the level which required reclamation.

(b) The technical authorities have prepared necessary estimates for the reclamation of the land to bring them into level lands. The reclamation charges estimated by the technical authorities exceeds the market value of the lands at the rate of Rs.99/- per cents explained below:

S.No.	***Extent***	***Land value at Rs.99/- per cent***	***Reclamation charges***
56/4	017	1,683.00	9,095.00
57/2	2.92	28,908.00	41,975.00
59/4	0.70	6,930.00	15,040.00
63/1B	0.17	1,683.00	2,125.00

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(c) As the reclamation charge exceeded the land value at Rs.99/- per cent, a nominal value of Re.1/- (Rupee one only) per cent shall be paid to acquire the right of ownership of the lands covered under the Award.

(d) Whereas, in respect of the subject lands in S.No.56/4, measuring an extent of 0.17 acres (17 cents) belonging to the petitioners and the extract of item No.2 of award proceedings had also been furnished in the compliance report, stating as under:

> "S.No.56/4 Classification - Wet, No. and name of the pattadar-6, Sivapatha Mudaliyar. The above land stands registered in the name of Sivapatha Mudaliyar, S/o Pachayappa Mudaliyar under Patta No.6 of Koyambedu Village. Thiru.K.S.Viswanathan, son of Sivapatha Mudaliyar appeared for the award enquiry and stated that the above land stands under Patta No.6 of Koyambedu Village in the name of his father. He has further stated that the land in question was his ancestral property and the Pattadar died in the year 1976. He has further stated that himself and his sister R.Lalithammal are the legal heirs of the Pattadar Tmt.Lalithambal also appeared for the enquiry and claimed that herself and her brother have equal share in the property and requested 1/2 of the compensation payable for this land in her name. His brother K.S.Viswanathan has also agreed for the payment of 1/2 share to his sister and requested the payment of balance of 1/2 share in his name. His major legal heirs have also given their consent for the payment of compensation in the name of their father. The land has been

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under possession and enjoyment of the above said two persons. There are no trees, Well or structures in this land. The compensation amount of Rs.9.80 to each of the legal heirs of the Pattadar is ordered to be paid as shown below:

Land Value for 0.17 acre at Re.1/- (one only) per cent: 17.00

15% solatium 2.55

Total 19.55

Compensation payable to K.S.Viswanathan 1/2 share 9.80

Compensation payable to R.Lalithambal 1/2 share 9.80

19.60

(e) Since the above lands in S.No.56/4 Koyambedu Village, have been acquired as early as by the Tamil Nadu Housing Board, as per Award No.13/83, dated 23.09.1983, the entire amount of compensation for a total sum of Rs.19.80 had been kept in Revenue Deposit under the relevant Head of Account for payment of compensation to the respective land owners on production of original documents before the Land Acquisition Officer. A copy of the Extract of the Deposit Register had been requested from the TNHB and a copy of the letter received from the Special Tahsildar (LA) Unit III, TNHB are enclosed along with the compliance report, in which the necessary entries have been made by the Land Acquisition Officer and the Special Tahsildar (LA), Unit III, TNHB has stated that the Revenue Deposit chalan is not available as the Award

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proceedings had been done as early as during 1983.

(f) In pursuant to the order of this Court, dated 22.11.2023 in W.P.No.32843 of 2023, an opportunity was given to the petitioners to hear the request of the petitioners for remaining land extent of 6.5 cents and were enquired by the respondent on 21.02.2025 and examined the request of the petitioners.

(g) As the land in S.No.56/4 measuring an extent of 0.06 acres (6.5 cents) are essentially required for widening of the Nesapakkam Road in Kaliyamman Koil Street, Koyambedu, the request of the petitioners was rejected by an order of the office of the respondent, dated 28.02.2025.

(h) As the lands in S.No.56/4 measuring an extent of 0.06 acres (6.5 cents) are essentially required for widening of the Nesapakkam Road in Kaliyamman Koil Street, Koyambedu and the request of the petitioners was rejected by order of the office of the respondent, dated 28.02.2025.

(i) The change of classification of lands as "poramboke" in Ward No.001, T.S.No.4/1, Block No.63 in S.No.56/3A, etc., inclusive of the subject lands in S.No.56/4, i.e. in the extract taken from e-service of Revenue Records, in the "Certificate" Extract from the permanent Land Register, has been carried out in the name of CMDA by the Tahsildar, Aminjikarai as per order of DRO, Chennai in Order No.J3/53592/06, dated 30.05.2011-TR, dated 02.08.2016.

(j) In compliance with the order of this Court in W.P.No.32843 of 2023,

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dated 22.11.2023, enquiry dated 21.02.2025 has been conducted in consideration of the petitioner's representation and order dated 28.02.2025 has been passed.

(k) When the subject contempt petition was listed on 13.03.2025, and when compliance of the order of the High Court was informed, the Court has ordered for statutory notice of the contemnor's presence to explain the act of compliance of the order post receipt of contempt notice.

(l) The order came to be passed on 28.02.2025, subsequent to taking of notice in the subject contempt, as he has only recently been posted as Member Secretary in CMDA on 09.02.2025 and for some time in this respondent's Department, there has been certain administrative changes that had left the matter go amongst the officials and caused certain delay on the part of the respondent for an earlier compliance which the respondent request the Court to condone as the delay caused is neither willful nor wanton, but due to reasons as stated in the compliance report.

(m) The respondent stated that they have high regard and respect for this Court and there is no wilful disobedience of the order of this Court. At no point of time in his career, the respondent intended to violate or transgress the order passed by this Court.

7. Heard both sides and perused the materials available on record.

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8. Admittedly, this Court passed order on 22.11.2023 itself, but however, only enquiry was conducted on 21.02.2025 and final order was passed on 28.02.2025. From the counter affidavit, it is clear that they have spoken about only merits of the case and the reasons assigned in the compliance report are not satisfactory and therefore, this Court finds that disobedience of the order under contempt, is wilful and wanton and the respondent has committed 'contempt' of the order of this Court, dated 22.11.2023 passed in W.P.No.32843 of 2023.

9. At this juncture, it is to be stated that the respondent, being public servant, is entrusted with a serious responsibility to act fairly, expeditiously, and in accordance with the law. Once a public duty is cast upon the respondent, particularly pursuant to the direction of a constitutional Court, they are bound to discharge such duty without fail.

10. Despite the petitioner having submitted a representation highlighting his grievance, the respondent neither acted on it within a reasonable time nor provided any response, compelling the petitioner to approach this Court by way of a writ petition. Upon hearing the matter and taking into account the rights of the petitioner, this Court had issued a direction to the respondent to consider the petitioner's representation and pass a reasoned order in accordance with law,

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within a stipulated time frame. However, it is evident from the record that, despite considerable time being afforded and despite clear judicial mandate, the respondent/contemnor failed to comply with the Court's order. Even after issuance of statutory notice in these contempt proceedings, there has been no sincere effort to rectify the lapse. On the contrary, the contemnors has come forward belatedly with lame excuses, seeking condonation of delay without offering any genuine justification. This Court notes with concern that such conduct by public authorities is not an isolated incident. In numerous cases, it is seen that poor and aggrieved litigants, after approaching public authorities for redressal of genuine grievances, are forced to approach the constitutional Courts for directions. Even after judicial intervention, the concerned authorities, for reasons best known to them, either delay or altogether ignore compliance, compelling the litigants to resort to contempt proceedings for enforcement of their rights. Such repeated and consistent defiance by public officials is not only wrong but also challenges the fundamental principles of justice that the rule of law is meant to uphold. The confidence of the citizens in the justice delivery system rests upon the assurance that the orders of the Courts will be implemented promptly and effectively. Public service is not a privilege but a trust reposed in the officials by the people. Public servants are answerable not only to their immediate administrative superiors but ultimately to the law and the

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Constitution. Once an order is passed by this Court, it is binding, and compliance is not optional. Any deliberate failure to act amounts to wilful disobedience and constitutes contempt of Court. This Court, therefore, is constrained to record that the respondent/contemnor has wilfully and wantonly disobeyed the orders passed by this Court. The excuses offered are neither bona fide nor satisfactory.

11. The respondent's actions, show a clear defiance of the Court's orders, cannot be allowed, and they must be held accountable for their conduct. Accordingly, this Court directs as follows:

12. Accordingly, the respondent herein is found guilty of the offence under Section 2(b) of the Contempt of Courts Act, as the respondent has committed 'civil contempt' and is liable to be punished under Section 12 of the said Act, and he is sentenced to undergo simple imprisonment for a period of one month and the respondent is liable to pay the compensation of Rs.25,000/- (Rupees twenty five thousand only) and the same has to be paid to the petitioner within a period of three weeks from the date of receipt of a copy of this order and failing to pay the compensation, the respondent shall undergo further period of simple (civil) imprisonment for ten days.

13. It is made clear that the compensation has to be paid from the personal salary of the respondent and the Government is directed to deduct the

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compensation amount from his salary.

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14. The above sentence of imprisonment shall stand suspended till the appeal period is over. After the appeal period is over and if no appeal is filed, the Registry is directed to take steps to secure the custody of the respondent/contemnor to undergo the sentence of imprisonment as observed above.

15. With the above observations/direction, the Contempt Petition is allowed.

28.04.2025

cs

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwain Road, Egmore,
Chennai-600 008.

2. The Registrar (Judicial), High Court, Madras.

3. Secretary to Government, Finance Department, Secretariat, Chennai-600009.

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P.VELMURUGAN, J

cs

Pre-delivery Order in
Cont.P.No.2790 of 2024

Order pronounced
on 28.04.2025

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