
(2009) 03 MAD CK 0080
In the Madras High Court
Case No : Cont. P. 672 of 2006

K. Tulasi

APPELLANT

Vs

Mr. Sankaranarayanan

RESPONDENT

Date of Decision : 11-03-2009

Acts Referred:

Citation : (2009) 03 MAD CK 0080

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : No appearance, for the Appellant; P. Wilson, A.A.G., for the Respondent

Judgement

G. Rajasuria, J.—This contempt petition is filed seeking to punish the respondent for his wilful disobedience and non-compliance of the

order of this Court dated 3.8.2006 passed in W.P. No. 24601 of 2006.

2. Counsel for the petitioner called absent. However, the learned Additional Advocate General, who appeared for the respondent, produced a

copy of the fresh order dated 17.2.2009 passed by the Executive Engineer, Tamil Nadu Housing Board, containing the reasons for rejecting the

original representation of the petitioner herein, as mandated by this Court earlier and it appears, according to the learned Counsel for the Housing

Board, that the said order also was communicated to the other side so as to enable him to challenge the same in the way known to law.

3. The learned Additional Advocate General for the Housing Board would express and expatiate that there was no wilful default on the part of the

respondent in violating the Court order. This Court, vide order dated 3.8.2006 in W.P. No. 24601 of 2006 issued the following direction:

On the face of the order, which is impugned in the writ petition, this Court is of the opinion that it cannot stand to judicial scrutiny, wherein the representation of the petitioner dated 19.7.2006, which has been filed pursuant to the direction issued by this Court, has been abruptly rejected, by saying that the application is rejected, without giving any reason.

2. Therefore, by putting the learned Counsel appearing for the respondents on notice, the order impugned is hereby set aside as it is an ex facie illegal order and passed without application of mind and without giving any reasons, what so ever. However, the matter is remitted back to the third respondent to reconsider the issue and apply its mind in each and every point raised by the petitioner in their representation dated 19.7.2006 and record a finding as to the points raised and pass orders within a period of six weeks from the date of receipt of copy of this order.

Even though the learned Counsel for the Housing Board appeared before the Court at the time of the said order being passed in the writ petition,

nonetheless the learned Counsel failed to communicate the same in time. However, it appears, the delivery of possession was handed over to the

Housing Board by the petitioner. In view of the order passed on 3.8.2006, the petitioner has chosen to file this contempt petition as though the

Housing Board highhandedly violated the order of this Court. There is nothing to demonstrate and display that by using force the contempt

petitioner was evicted. However, in strict compliance with the order dated 3.8.2006 of this Court, the present order dated 17.2.2009 has been

passed by the Executive Engineer, Tamil Nadu Housing Board, rejecting the representation dated 19.7.2006 by citing reasons. Hence, in these

circumstances, I could see no wilful contempt on the part of the Housing Board in violating the order of this Court dated 3.8.2006. However, the

Executive Officer of the Housing Board, in his affidavit, expressed his unconditional apology also. Hence, in this factual matrix, I would like to

close the contempt petition recording the above order dated 17.2.2009. Accordingly, this contempt petition is closed.