

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.3.2008

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

Contempt Petition No.240 of 2002

1. A.S.Venugopal
2. Gurusamy
3. Narayanan
4. P.Thiruvengadam .. Petitioners

vs.

1. Mr.R.Chellamuthu IAS.,
Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9

2. Mr.Ram Mohan Rao IAS.,
Managing Director
Tamil Nadu Housing Board
Nandanam, Chennai-35 .. Respondents

(Respondents 1 and 2 name amended
in cause title as per order, dated
24.1.2008 in Sub.Appl.No.16/08)

The Contempt Petition has been filed under Section 10 & 12 of The Contempt of Courts Act, 70/71, to punish the respondents for committing contempt of the orders of this Court, dated 19.12.2001 and made in W.P.No.318 of 2001.

For petitioners : No Appearance

For respondents : Mr.P.S.Raman
Additional Advocate General
for R.GiriRajan for R2

O R D E R

No appearance on behalf of the petitioners.

2. This contempt petition has been filed praying that this Court may be pleased to punish the respondents for committing contempt of the orders of this Court, dated 19.12.2001, made in W.P.No.318 of 2001.

3. It is stated by the petitioners that an extent of 3.4 acres of land, belonging to the first petitioner and his brother late A.P.Purushottaman, had been acquired by the Tamil Nadu Housing Board in the year, 1985, for the purpose of a Neighbourhood Scheme. The said land had been utilised for the purpose for which it had been acquired. Since it was classified as a hazardous and industrial zone, it was not possible for the TamilNadu Housing Board to put up constructions on the land for residential purposes nor was it utilised by the Tamil Nadu Housing Board for any industrial purpose. In such circumstances, the petitioners had made an application before the first respondent, under Section 48 (B) of The Land Acquisition Act, 1894, for re-conveyance of the land. Since the representation made by the petitioners had been rejected by the proceedings, dated 12.9.2000, a writ petition had been filed before this Court in W.P.No.318 of 2001, challenging the said rejection.

4. By an order, dated 19.12.2001, this Court had directed the respondents to release the lands under Section 48 (B) of The Land Acquisition Act, 1894, after collecting the necessary development charges. The order passed by this Court, on 19.12.2001, had been received by the respondents and a representation had also been made to the respondents, on 4.2.2002. Since the respondents had not implemented the directions issued by this Court, the present contempt petition has been filed.

5. In the counter affidavit filed on behalf of the respondents, they have tendered an unconditional apology stating that they have the highest respect for this Court and that they had never intended to disobey the orders passed by this Court.

6. It has been further submitted that the Tamil Nadu Housing Board had preferred a writ appeal in W.A.No.1986 of 2002, against the order made by this Court in W.P.No.318 of 2001. Since the writ appeal had been dismissed, on 7.12.2006, a Special Leave Petition in S.L.P.No.4469 of 2007, had been filed before the Supreme Court by the Tamil Nadu Housing Board. On 26.10.2007, the Special Leave Petition had been dismissed. A Review Petition had been filed, on 24.1.2008, in Review Petition Diary No.1936 of 2008 and it has been numbered as 163 of 2008.

7. In such circumstances, there was some delay in the implementation of the order passed by this Court, on 19.12.2001. Thereafter, the Review Petition NO.163 of 2008 had also been dismissed by the Supreme Court, on 28.2.2008

8. It has been submitted by the learned counsel appearing for the respondents that the Secretary, Housing and Urban Development Department, Chennai, had issued a letter, dated 7.3.2008, in Letter (Ms).No.49, which is as follows:

"Thiru A.S.Venugopal and three others have filed W.P.No.6519 of 2000 in the Honourable High Court of Madras to reconvey the land in S.No.531 measuring an extent of 3.40 acres in Ambattur Village, Thiruvallur District. The Honourable High Court of Madras in its order has directed respondents to consider the representations given on various dates within a period of 12 weeks from the date of receipt of production of copy of the order. As per the orders of the High Court, Government considered the representation of Thiru A.S.Venugopal and rejected the request of reconveyance of the above land in Government letter No.19700/LAI(1)/2000-2, Housing and Urban Development Department, dated 12.9.2000.

2. Further, Thiru A.S.Venugopal, Gurusamy, Narayanan and P.Thiruvengadam have filed W.P. in

W.P.No.318/01 before the High Court of Madras seeking reconveyance of lands in respect of S.No.531 measuring an extent of 3.40 acres at Ambathur Village, Thiruvallur District. The High Court of Madras in its order, dated 19.12.2001 in W.P.No.318/01, the respondents i.e. Government, Managing Director/Tamil Nadu Housing Board were directed to release the lands under Section 48(B) of the Land Acquisition Act after collecting necessary development charges spent for the purpose of developing the lands.

3. Further, the petitioners (four) have filed Contempt Petition in C.P.No.240/2002 to implement the order in W.P.No.318/2001 dated 19.12.2001, against the orders of High Court of Madras in W.P.No.318/01, dated 19.12.2001, the Tamil Nadu Housing Board has filed Writ Appeal dated 27.6.2002 in W.A.No.1986/02 and WAMP No.3411/02 and the High Court made the following order dated 02.07.2002.

"We direct the retention of acquired land by the appellant. The appellant shall not deal with the said land for any other purpose and kept the same vacant till the disposal of the Writ Appeals

along with connected W.A.Nos.1702 & 1703 of 1998 for final hearing subject to part heard cases on 4th September 2002."

4. The Honourable High Court of Madras in W.A.No.1986/02 dated 07.12.2006 has ordered that there is no infirmity in the order challenged and accordingly it is sustained and the Writ Appeal were dismissed.

5. The Tamil Nadu Housing Board has filed SLP No.4469/07 in the Supreme Court of India against the W.A.No.1986/02 dated 7.12.2006 for defending the case on 26.10.2007 and the Supreme Court of India has passed the order dismissing the "Special Leave Petition".

6. As resolved by the Board, vide Board Res.No.8.01/20.12.07 necessary Review Petition was filed by Tamil Nadu Housing Board in the Supreme Court of India and numbered as 163/08. Thiru. T.Harishkumar, Advocate-on-Record has sent certified copy of the order dated 28.2.2008 informing that the Review Petition 163/08 was dismissed on 28.02.2008.

7. Among other things, the Chairman & Managing Director, Tamil Nadu Housing Board has requested that early orders of the Government to implement the High Court order passed in W.P.No.318/2001 dated 19.12.2001.

8. In the circumstances stated above, based on the orders of the High Court in W.P.No.318/01, dated 19.12.2001 and also recommended by the Chairman & Managing Director, Tamil Nadu Housing Board, the Government have decided to direct the Tamil Nadu Housing Board to reconvey the land in S.No.531, measuring an extent of 3.40 acres in Ambattur Village, Thiruvallur District to Thiru A.S.Venugopal and three others. Accordingly, the Chairman & Managing Director, Tamil Nadu Housing Board is directed to take action immediately, so as to avoid further contempt proceedings initiated by the petitioners and reconvey the lands in S.No.531, measuring an extent of 3.40 acres in Ambattur Village, Thiruvallur District to the petitioners Thiru A.S.Venugopal and 3 others as directed by Honourable High Court in the above mentioned judgments.

7. The Chairman & Managing Director, Tamil Nadu Housing Board is requested to send a report on the follow up action thereon to Government, immediately."

9. In the above letter, the Chairman & Managing Director, Tamil Nadu Housing Board, had been requested to send a report on the follow up action taken in this regard.

10. It has been further submitted that pursuant to the above letter, dated 7.3.2008, the Tamil Nadu Housing Board had reconveyed the lands in question to the petitioners, on 25.3.2008.

11. Considering the submissions made by the learned counsel appearing for the respondents, this Court finds no reasons to punish the respondents for contempt of Court as prayed for by the petitioners in the above contempt petition. Accordingly, the contempt petition stands closed. No costs.

31.3.2008

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INDEX : YES/NO

INTERNET : YES/NO

To:

1. Mr.R.Chellamuthu IAS.,
Secretary to Government
Housing and Urban Development Department
Fort St. George, Chennai-9

2. Mr.Ram Mohan Rao IAS.,
Managing Director
Tamil Nadu Housing BoardNandanam,
Chennai 35