

A

D.M. BELGAMVALA

v.

TAMILNADU REAL ESTATES (P) LTD.

(I.A. No. 2/2010 in S.L.P. (C) No. 13740/2010 etc.)

NOVEMBER 24, 2010

B

[MARKANDEY KATJU AND GYAN SUDHA MISRA, JJ.]

Administration of Justice:

C

Abuse of process of court – SLP against eviction of tenant dismissed by Supreme Court – Tenant filing an undertaking to vacate the premises – Thereafter tenant filing the interlocutory application for a direction that he need not to vacate the premises till the disposal of the review petition or in the alternative stay of dispossession may be granted – HELD: The application is a sheer abuse of the process of the court – The tenant be evicted from the premises forthwith by using police force, ignoring the stay of eviction stated to have been passed by the High Court – Rent Control and Eviction.

D

E

JUDICIAL DISCIPLINE:

Stay order – Granted by High Court – Long after dismissal of tenant's SLP against eviction, by Supreme Court – HELD: This was not expected of the High Court – Judicial discipline requires that High Courts should not try to override orders passed by Supreme Court – Rent Control and Eviction.

F

CONTEMPT OF COURT:

G

Contempt of Order of Supreme Court – SLP against eviction on the ground of reconstruction of the old premises dismissed by Supreme Court – Tenant furnishing an undertaking to vacate the premises – Thereafter,

H

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Commissioner of Municipal Corporation revoking the premission to demolish the premises – HELD: The Commissioner of the Municipal Corporation is hand-in-glove with the tenant and it is for this reason that he has passed this collusive and contemptuous order merely to get over the order of Supreme Court dismissing the Special Leave Petition – Issue contempt of court notice to the Commissioner of Municipal as well as to the trying to set at naught the order of the Supreme Court – Rent Control and Eviction.

CIVIL APPELLATE JURISDICTION : I.A. No. 2 of 2010.

IN

S.L.P. (C) No. 13704 of 2010

From the Judgment & Order dated 18.2.2010 of the High Court of Judicature at Madras in C.R.P. (NPD) No. 3081 of 2009.

K.K. Mani, Abhishek Krishna for the Petitioner.

V. Ramasubramanian for the Respondent.

The following Order of the Court was delivered

ORDER

This is a typical case of a litigant trying to take this Court for a ride.

In this case, the landlord had filed an eviction peition against the petitioner-tenant which had been decreed by the courts below, including the High Court. The eviction was granted on the ground that the building in question is more than 100 years old and needed demolition and fresh construction. The Special Leave Petition (C) No. 13704 of 2010 filed by the petitioner against the order of the High Court was dismissed by this Court by order dated 14.5.2010 and the petitioner

A (tenant) was granted six months time from 14.5.2010 to vacate the premises in question subject to filing usual undertaking before this Court. The petitioner had furnished the undertaking to vacate the premises in question as directed by this Court.

B Despite this undertaking, the petitioner has not vacated, and instead he has filed this application on 12.11.2010 praying for a direction that the petitioner need not vacate the suit premises till the final orders passed in the Review Petition of in the alternative grant stay of dispossession of the petitioner from the suit premises.

C In our opinion, this application is a sheer abuse of the process of the court.

D Along with the application an order dated 18.06.2010 of the Commissioner, corporation of Chennai has been filed purporting to revoke the permission to demolish the property in question. We are of the opinion that the Commissioner, Corporaion of Chennai is hand-in-glove with the petitioner and it is for this reason that he has passed this collusive and contemptuous order dated 18.06.2010 merely to get over our order dismissing the Special Leave Petition on 14.05.201.

E Issue contempt of court notice to the Commissioner, Corporation of Channai as well as to the petitioner in this case to show cause why they should not be punished for contempt of court for trying to take this court for a ride and set at naught our order dated 14.5.2010.

F We further direct that the petitioner be evicted from the premises in question forthwith by using police force Ignoring the order of stay of evicicn which we are informed has been passed by he High Court. If the petitioner or anyone tries to obstruct this order, he should know now that he will definitely be sent to jail. There is a limit of tolerance by this Court and the petitioner has crossed that limit.

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We are informed that the petitioner had, long after we dismissed the Special Leave Petition on 14.05.2010, approached the Madras High Court and obtained a stay of eviction. We are surprised that the Madras High Court has flouted the order of his Court dismissing the Special Leave Petition on 14.05.2010. This was not expected of the High Court. Judicial discipline requires that the High Courts should not try to override orders passed by this Court. Such defiant attitude of the High Courts will not be tolerated by this Court.

With these observations, the interlocutory application is dismissed.

Copy of this order be sent to the Registrar General of the Madras High Court who will place it before the Chief Justice of the High Court. The Registrar General will send a report to this Court mentioning how and why a stay order was granted by the High Court despite our order dated 14.05.2010.

Contempt Petition No. 289 of 2010 in Special Leave Petition (C.) No. 13704/2010.

Contempt Petition is aken on board.

We are informed that this contempt petition in the Special Leave Petition (C.) No. 13704/2010 has been filed by he respondent herein. The order passed in the interlocuory application above will also govern this contemp petition.

Issue notice.

List the contempt petition on 12.01.2011.

R.P.

Matter adjourned.