

ITEM NO.33

COURT NO.15

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) DIARY NO(S). 10441/2025

[Arising out of impugned final judgment and order dated 09-02-2024 in WP No. 10905/2023 and Interim order dated 09.01.2025 passed High Court of Judicature at Madras]

THE DISTRICT COLLECTOR, CHENGALPATTU, CHENGALPATTU
DISTRICT & ORS.

PETITIONER(S)

VERSUS

S SUBHASHINI

RESPONDENT(S)

(IA No. 59171/2025 - CONDONATION OF DELAY IN FILING
IA No. 59168/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 01-04-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.V.N. BHATTI
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. Balaji Subramanian, A.A.G.
Ms. Misha Rohatgi Mohta, Adv.
Mr. Sabarish Subramanian, AOR
Mr. Ayush Kashyap, Adv.
Mr. Amulya Upadhyay, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Akash Kundu, Adv.

For Respondent(s) :

UPON hearing the counsel the court made the following
O R D E R

1. Delay condoned.
2. Heard Mr. Balaji Subramanian, learned Additional Advocate General for the petitioners.
3. The District Collector, Chengalpattu, Chengalpattu

District and two others are the petitioners in the present Special Leave Petitions. The Special Leave Petition challenges the order dated 09.02.2024 in Writ Appeal No.10905 of 2023 and also an order dated 09.01.2025 in Contempt Petition No.2680 of 2024.

4. At the outset, we observe that by the order dated 09.02.2024, the High Court directed the authorities to examine and take steps as may be warranted in the facts and circumstances of the case on a representation pending before them. We do not see any error or a ground warranting our interference vis-à-vis the order dated 09.02.2024. The Special Leave Petition also assails the direction issued in the order dated 09.01.2025. For appreciating the grievance of the petitioners, we excerpt the following from the order dated 09.01.2025 :

"5. Hence there will be a direction to the respondents to remove the Wall constructed on the petitioner's property forthwith at any rate within a period of three weeks from today and report compliance. If the Wall is not removed within three weeks the present District Collector, Chengalpattu and the Tahsildar, Tambaram, will be present in person before this Court when this contempt is listed for hearing on any subsequent date."

(emphasis supplied)

5. Learned counsel for the petitioners contends that

the petitioners in fact have moved in the matter but there is delay in taking steps as directed by the High Court. He brings to our notice, the public safety and also the need to continue to retain the Wall directed to be demolished by the High Court through the portion excerpted above. He invites our attention to the preliminary notification said to have been prepared on 27.03.2025 and submits that all steps would be taken promptly to comply with the first order i.e. dated 09.02.2024 of the High Court.

6. After perusing the record, we are of the view that the contempt case is still pending before the High Court. We also appreciate the circumstances in which the High Court was compelled by the petitioners before us to pass a direction as noted above. But the fact of the matter is, in a situation as the present, the persons who have lost the land, are interested in getting the compensation in accordance with law. A few steps are stated to have been taken by the petitioners. Therefore, without entertaining the Special Leave Petition to challenge the order dated 09.01.2025, we grant liberty to the petitioners herein to place all the material to satisfy that due and prompt steps have been taken for complying with the directions issued in the order dated 09.02.2024. Since, it is a matter of considering disposal of a representation and payment of

compensation to the land owners, in the interregnum demolition of the Wall would also cause loss to the exchequer and is not to benefit any one including the land owners. Therefore, we permit the petitioners to bring to the notice of the High Court, the steps taken in the matter and convince the Court on the disobedience complained in the contempt case.

7. In the interregnum, we suspend the direction issued by the High Court to demolish the Wall. However, the presence directed by the High Court shall be ensured, till further orders are issued by the High Court.

8. With the above observations, the Special Leave Petitions stand disposed of. Pending application(s), if any, shall stand disposed of.

9. Since, we are granting liberty to the petitioners to move the High Court in the pending contempt case, notice to the respondent is not issued.

(Nidhi Mathur)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS