

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO 2/2010 in S.L.P (C) No. 13704/2010

D.M.Belgamvala

..Petitioner/
Applicant

versus

M/s Tamilnadu Real Estates (P) Ltd.

..Respondent

WITH

Contempt Petition No.289 of 2010

IN

S.L.P.(C) NO.13704 OF 2010

O R D E R

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 petition 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 14.05.2010 and the petitioner (tenant) was granted six months time from 14.05.2010 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.

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 or in the alternative grant stay of dispossession of the petitioner from the suit premises.

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

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, Corporation 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 14.05.2010.

Issue contempt of court notice to the Commissioner, Corporation of Chennai 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.

We further direct that the petitioner be evicted from the premises in question forthwith by using police force

ignoring the order of stay of eviction which we are

informed has been passed by the 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.

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 this Court dismissing the Special Leave Petition on 14.05.2010. This was not expected of the Madras 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 is taken on board.

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

Issue notice.

List the contempt petition on 12.01.2011.

NEW DELHI;
NOVEMBER 24, 2010

.....J.
[MARKANDEY KATJU]

.....J.
[GYAN SUDHA MISRA]

JUDGMENT