

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CONT.P.No.1341 of 2023

in

C.R.P.No.3983 of 2022

R.Girija

... Petitioner

Vs.

1.S.Ramalingam

2.The Commissioner of Police,
Veperiy, Chennai 600 007

... Respondents

[R2 suo motu impleaded as per order dated 01.09.2023
made in CONT.P.No.1341 of 2023]

Prayer: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, pleased to punish the first respondent for disobeying the order of this Court dated 12.01.2023 passed in C.R.P.No.3983 of 2022.

For Petitioner : Mr.S.N.Narasimhulu

For R1 : No Appearance

For R2 : Mr.S.Vinoth Kumar
Government Advocate (Criminal Side)

ORDER

The Deputy Commissioner of Police [Administration], Greater Chennai Police filed a status report stating that the order passed by this Court in CONT.P.No.1341 of 2023 dated 01.09.2023 has been complied with. The 1st respondent has already been evicted and the vacant possession was handed to the landlady by the Police authorities.

2 .The learned counsel appearing for the petitioner acknowledged the said report by stating that the landlady has already taken possession of the property with the assistance of the Police.

3. The petitioner has stated that the arrears of rent is yet to be settled by the 1st respondent. The 1st respondent committed default in payment of rent for the past more than 5 years, by abusing his political power. The petitioner being an office bearer in the ruling political party (DMK), he is emboldened to refuse payment of monthly rent to the old landlady for many years.

4. Politicians play an influential role in the life of a common man. The words and actions of a politician has an impact on his followers, party men and public at large. It is imperative that this power is not to be misused for illegal and personal gains. The power wielding politicians have an inherent responsibility in having positive and healthy impact on the lives of the people and guiding them in the right path, but instead what we are witnessing today in many instances that the politicians are using their political connections and power to threaten and create nuisance to public at large.

5. This Court cannot sit back and watch that the common man is facing ordeals. The Politics must be played for the betterment of a common man and the Country, instead, playing with the lives of the common man for securing monetary and personal gains is not only misuse of power, but against the constitutional ideals.

6. This Court is witnessing large scale exploitation of political power by certain politicians especially in land grabbing matters. This will pave the way for an unhealthy democracy. Using political power and influence to grab

land from a powerless common man is nothing short of day-light robbery. A common man may seem powerless in front of the society. But every citizen of our Great Nation and his rights are Constitutionally protected. The Courts will not remain spectators, especially, when his/her right to carry on with a peaceful life under Article 21 is threatened.

7. Political power should be used only for the benefit of the public and not for which is detrimental to the later. When politicians are given such power by the common public, it must be used for socially beneficiary issues and not for creating problems for self gains.

8. In the case of the present contempt petitioner, it took 12 years for the senior landlady to vacate the 1st respondent / Tenant through the Court of Law with the assistance of Police. Several years rent has not been paid. The husband of the contempt petitioner is aged about 75 years. Senior citizens at their old age require funds to meet out their medical expenditures and to lead a normal life. The District Collector under the provisions of the Senior Citizen Act is duty bound to protect the security and dignity of the senior citizen living in his/her District. Rules framed under the Senior Citizen Act

enumerates the duties and responsibilities of the District Collector to protect the life, security and dignity of the senior citizen.

9. The lengthy Court proceedings in Rent Control matters are being abused by certain litigants by protracting the case in order to evade eviction by the landlords and to recover arrears of rent. Even under the new enactment on Rental Law, few tenants are attempting to protract the legal proceedings with the gainful guidance of the legal brains and by taking undue advantage of the frequent adjournments being granted liberally by the Rent Controller / Courts. Such attempts are to be thwarted. It is the duty of the 'State' and 'District Collector' to ensure the security, dignity and protect the normal life of the senior citizens. Huge amount of rental arrears is yet to be settled in favour of the present contempt petitioner by the 1st respondent.

10. The learned counsel for the petitioner states that he will file a memo of calculation of arrears of rent due to the petitioner. The copy of the same is to be served on the respondents.

11. None appeared for the 1st respondent today in the present contempt petition. Thus, the 1st respondent is directed to appear in person or through his counsel on 11th September, 2023 before this Court.

12. List the matter on 11.09.2023.

04.09.2023

Cse/Jeni

Note: Registry is directed to issue order copy on 07.09.2023.

S.M.SUBRAMANIAM, J.

Cse/Jeni

CONT.P.No.1341 of 2023

04.09.2023