

Cont.P.No.1112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

Cont.P.No.1112 of 2024

D.Arunagiri

...Petitioner

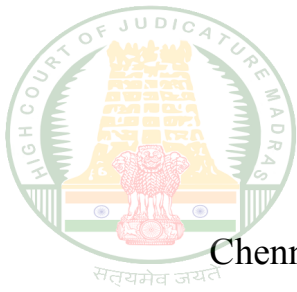
Vs.

1.Dr.J.Radhakrishnan,
Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003

2.Mrs.Uma Maheswari Ramachandran,
Assistant Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003

3.Mr.G.S.Sameeran, I.A.S.,
Deputy Commissioner (Works),
Chennai Corporation,
Ripon Building,
Chennai-600 003

4.Mr.Saravanan,
Assistant Executive Engineer,
Greater Chennai Corporation,
Zone-IX,
No.1, Lake Area, 4th Cross Street,
Nungambakkam,



Cont.P.No.1112 of 2024

Chennai-600 034.

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5.Mr.C.S.Murugan,
Additional Secretary (Technical),
Housing and Urban Development Department,
Secretariat, Chennai-600 009

(*suo motu* impleaded as 5th respondent as per
the order of this Court made in
Cont.P.No.1112 of 2024 dated 22.07.2024)

... Contemnors

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents herein for contempt of wilfully disobeying the order dated 28.04.2023 and for reporting compliance on 05.07.2023 passed by this Court in W.P.No.12352 of 2023.

For Petitioner : Mr.S.Aswin Karthikeyan

For Contemnors : Mr. R.Ramanlal,
Additional Advocate General
assisted by Mr.D.B.R.Prabu
Standing Counsel for R1 to R3

Mr.K.V.Sajeev Kumar for R4

ORDER

(Order of the Court was made by M.S.RAMESH.J.)

The Co-ordinate Bench of this Court, in which one of us was a party (V.L.N.J.), while passing final orders in the Writ Petition in W.P.No.12352 of 2023 dated 28.04.2023, had observed as follows:

"7.The learned counsel for the 5th respondent submitted that he applied for planning



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Cont.P.No.1112 of 2024

permission on 22.12.2022 and had also filed a Revision Petition against the order dated 2504.2023. He further stated that an application under Section 113(C) of the Tamil Nadu Town and Country Planning Act, 1971, to regularize his building was also filed by him.

8.Considering the submission and the status report filed by the learned counsel for the respondents 1 to 4, respondents are directed to consider further locking and sealing of unauthorised construction put by the 5th respondent without further delay and in any event within a period of 3 months from the date of receipt of a copy of this order. The 5th respondent is always at liberty to pursue his remedy in the manner known to law."

Alleging disobedience of the aforesaid order, the contempt petition has been filed.

2.On 08.07.2025, the learned Additional Advocate General had filed a compliance report in the form of an affidavit dated 07.07.2025, in which paragraphs 5 to 8 read as follows:

"5. I respectfully submit that the officials of Greater Chennai Corporation have attempted to lock and seal the



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Cont.P.No.1112 of 2024

unauthorized construction on two occasions the building owner namely Mr.N.Parasuraman along with the general public has opposed and created problems by threatening the officials if they lock and seal the building they will set themselves ablaze. Since due to shortage of police personal the officials of Greater Chennai Corporation were not bale to lock and seal the building.

6. I respectfully submit that accordingly the officials of Greater Chennai Corporation have taken steps and the entire building at Old DOor No.15, New Door No.31, Rajaji 3rd Street, Nungambakkam, Chennai-600 034, was locked and sealed on 04.07.2025 with the help of police personals.

7. The further entire land area in Rajaji 3rd street fells under the category of "Corporation Public" when Greater Chennai Corporation tried to lock and Seal the premises there has been violent agitation from the local community fearing that the entire area would be sealed in due course of time. Hence there was delay in sealing entire building.

8. It is most humbly submitted that pursuant to the direction of this Hon'ble Court at 22.07.2024, the subject property was sealed partially on 04.09.2024. The officials couldn't completely sealed the premises because of people living in the area gathered and prevent sealing. Since large people gathered fearing for life it officials came



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Cont.P.No.1112 of 2024

back without sealing the entire building. Subsequently police was approached and there was delay in deployment of police. Monsoon started during October 2024, due to flood relief works there was same delay till March 2025."

3. The original direction issued by the Co-ordinate Bench in W.P.No.12352 of 2023 dated 28.04.2023 was to lock and seal the unauthorized construction put up by the fifth respondent therein, within a period of three months from the date of receipt of a copy of the order. Though the order was passed on 05.07.2023, and the three months period has since expired, the contemnors have not sought for any extension of time prescribed in the order dated 28.04.2023.

4. When the Contempt Petition was filed and the contemnors were called upon to file a status report, they reported that only a portion of the building had been sealed and admitted they had not sealed the entire premises, which is in violation of the order of this court passed in W.P.No.12352 of 2023. Thereby, we recorded in our earlier order that the contemnors had wilfully disobeyed the orders of the Writ Court, as well as the interim order dated 04.09.2024.

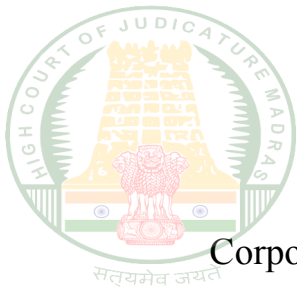


Cont.P.No.1112 of 2024

5. In this background, all the contemnors are physically present before this Court today. Mr.J.Kumaragurubaran, I.A.S., who is the present Commissioner, Greater Chennai Corporation, has filed an affidavit dated 29.07.2025 before us, setting forth the various developments and steps taken by them to comply with the earlier orders of this Court.

6. The affidavit also sets forth the difficulties encountered by the officials in trying to lock and seal the building, due to violent agitation from the residents therein, who all feared that the entire area would be locked and sealed in due course of time. However, the officials had overcome these obstacles and have taken effective steps to thwart the resistance from the residents. On 04.07.2025, they had successfully locked and sealed the premises in Old Door No.15, New Door No.31, Rajaji 3rd Street, Nungambakkam, Chennai-600 034. In the said affidavit, the Commissioner has also tendered his unconditional apology and stated that he had not intentionally disobeyed or disregarded the orders of this Court.

7. We have taken into consideration the statements made in the affidavit filed by the present Commissioner of Greater Chennai



Cont.P.No.1112 of 2024

Corporation. On consideration of the difficulties encountered by the officials in trying to lock and seal the demised premises and also in consideration of the unconditional apology, we hereby recall our finding in Paragraph 7 of our earlier interim order dated 08.07.2025 passed in Cont.P.No.1112 of 2024 that the contemnors had wilfully disobeyed the orders of this Court. We now find that the disobedience of the orders of this Court may not have been wilful, in the light of our findings recorded in this order.

8.In the result, the Contempt Petition stands closed.

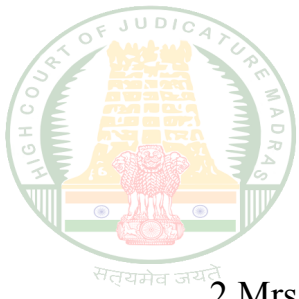
[M.S.R., J] [V.L.N., J]

29.07.2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
Anu

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.
Anu

To
1.Dr.J.Radhakrishnan,
Commissioner,
Greater Chennai Corporation,
Ripon Building,
Chennai-600 003



Cont.P.No.1112 of 2024

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