

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.07.2015

Coram

The Hon'ble Mr.Justice **SATISH K. AGNIHOTRI**
and
The Hon'ble Mr.Justice M.VENUGOPAL

Contempt Petition No.1049 of 2015

Mariadassou Philomene Dominique
Marie Anthoinette
w/o Jesudoss Arokiasamy
rep by her power Agent
Mr. Jesudoss Arokiasamy ... Petitioner

Vs.

1. Mr.S.Ragunathan
The Member Secretary
Town Country Planning Board,
Town and Country Planning Department,
Government of Puducherry,
Puducherry
2. Mr.Kandar Selvan,
The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar, Boomianpet,
Puducherry ... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971 (Central Act 70 of 1971) praying to punish the respondents herein for committing willful disobeying the order passed by this Court dated 03.03.2015 made in W.P.No.31266 of 2014.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mrs.N.Mala
Additional Government
Pleader (Puducherry)

O R D E R

[Order of the Court was Delivered By
M.VENUGOPAL, J.]

The Petitioner has preferred the instant Contempt Petition praying for passing of an Order by this Court in punishing the Respondents for committing willful disobedience of the Order dated 03.03.2015 passed by this Court in Writ Petition Nos.31266 of 2014 and 2108 of 2015.

2.It is to be noted that this Court while disposing the Writ Petition Nos.31266 of 2014 and 2108 of 2015 had interalia recorded the stand taken by the Respondent Nos.1 and 2 and directed them to take a pragmatic, purposeful, meaningful and result oriented consequent follow up action in an effective, efficacious and expeditious fashion within a period of two weeks from the date of receipt of copy of this order.

3.In the Compliance Affidavit filed by the 1st Respondent/Member Secretary of Town and Country Planning Board of Puducherry in Paragraph No.10 had among other things stated that *"....the Board, which is an appellate authority directed the Puducherry Planning Authority to*

seal the top most two floors (Second and third floors) and sealing of staircase and lift rooms which provide access to the third and fourth floors of the building belongs to Mr.Francis Arsene Jocelyn. I submit that the Puducherry Planning Authority had de-sealed two entrance gates of premises on 27.03.2015 at 5.00 p.m and thereafter sealed the topmost two floors (second and third floors) and also blocked the access to staircase and lift rooms which provide access to the third & fourth floors. Thus the Puducherry Planning Authority has complied the direction of the Town and Country Planning Board and the order of the Hon'ble High Court in W.P.No.31266 of 2014."

4.Moreover, in Paragraph No.11 of the Compliance Affidavit of the 1st Respondent, it was mentioned that the proceedings of the Member Secretary, Puducherry Planning Authority (2nd Respondent) was communicated to the Petitioner and as well to Mr.Francis Arsene Jocelyn (Building Owner) by the 1st Respondent on 16.04.2015 in regard to the action taken by the Puducherry Planning Authority based on the Common Order passed by this Court.

5. In view of the Compliance Affidavit filed by the Chief Town Planner, Town & Country Planning Department, Puducherry on behalf of 1st Respondent stating that the Order of this Court in W.P.Nos.31266 of 2014 and 2108 of

2015 was complied with, this Court opines that nothing survives for adjudication in the Contempt Petition. As such, the Contempt Petition is closed. No costs.

Ssd

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

Ss/co/22/07/2015

One CC to Sr.Government Pleader,cum Sr public prosecutor for puducherry SR.8416

To

1. Mr.S.Ragunathan
The Member Secretary
Town Country Planning Board,
Town and Country Planning Department,
Government of Puducherry,
Puducherry

2. Mr.Kandar Selvan,
The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar, Boomianpet,
Puducherry.