

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: **14.10.2015**

CORAM:

THE HONOURABLE MR.**JUSTICE SATISH K. AGNIHOTRI**

AND

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

Contempt Petition No.508 of 2015

and W.P. No.29758 of 2015

Vishal M.Ranka ... petitioner
versus

- 1 The Secretary to Government
Housing and Urban Development Department
Fort St. George Chennai-9.
- 2 The Chennai Metropolitan
Development Authority Rep. by its Member
Secretary Thalamuthu Natarajan Building No.
1 Gandhi Irwin Road Egmore Chennai-8.
- 3 The Corporation of Chennai
Rep. by its Commissioner Rippon Building
Park Town Chennai-3.
- 4 The Executive Engineer
The Corporation of Chennai Zonal Office V
Division No.58 No.62 Basin Bridge Road
Old Washermenpet Chennai-21. ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus Directing the first respondent to dispose of the Stay Petition filed under Section 79(5) dated 14.9.2015 in Statutory Appeal filed under Section 79 of the Tamil Nadu Town and Country Planning Act 1971 in Appeal No.9330/ UD-VI(2)/ 2015-3 on the file of the first respondent in accordance with law.

For petitioner : No appearance

For Respondents : Mr.P.S.Sivashanmugasundaram, Spl.G.P., for R-1
Mr.N.Sampath, for R-2
Mr.V.C.Selvanekaran, for R-3 and R-4

Contempt Petition No.508 of 2015

Rupert J.Barnabas ... petitioner

versus

- 1 A.KARTHIK IAS
Chennai Metropolitan Development Authority
MEMBER SECRETARY THALAMUTHU NATARAJAN
MALIGAI GANDHI IRWIN RD EGMORE CH600008
- 2 VIKRAM KAPOOR I.A.S
THE COMMISSIONER CORPORATION OF CHENNAI
RIPON BUILDING PARK TOWN CHENNAI-600003
- 3 R.BALASUBRAMANIAN
THE EXECUTIVE ENGINEER CORPORATION OF
CHENNAI ZONE 5 DIVISION 58 62 BASIN
BRIDGE ROAD OLD WASHERMENPET CHENNAI-600021
- 4 DR.M.SAIKUMAR IAS
CHAIRMAN CUM MANAGING DIRECTOR TANGEDCO 144
MOUNT ROAD CHENNAI-600002
- 5 ELANGO VAN
THE ASSISTANT ENGINEER TANGEDCO
PULIYANTHOPE REGION BASIN BRIDGE RD OLD
WASHERMANPET CHENNAI 021
- 6 MANIVANNAN
ASSISTANT DIVISIONAL ENGINEER TANGEDCO
PULIYANTHOPE REGION BASIN BRIDGE RD OLD
WASHERMANPET CHENNAI 600 021 ... respondents

Contempt petition filed to punish the respondents 1 to 6 for disobedience of the direction contained in the judgment dated 3.2.2015 in W.P.No.33697 of 2014.

For petitioner : Ms.Neha Mariam Kurian,
for Mr.S.Jim Raj Milton

For Respondents : Mr.P.H.Aravind Pandian, A.A.G.,
Assisted by Mr.R.Arunmozhi, for R-2 and R-3
Mr.N.Sampath, for R-1

Mr.P.R.Dhilip Kumar for respondents 4 to 6

COMMON ORDER

(made by K.K.SASIDHARAN, J.)

The contempt petition is at the instance of the petitioner in W.P.No.33697 of 2014 and the prayer is to punish the respondents on account of their wilful disobedience of the direction given by this Court in its order dated 3 February 2015.

2. The Writ Petition in W.P.No.29758 of 2015 is at the instance of the developer and the prayer is to direct the Government to dispose of the stay petition filed under Section 79(5) of the Tamil Nadu Town and Country Planning Act, 1971.

Contempt Petition No.508 of 2015:

3. The petitioner filed a Writ Petition in W.P.No.33697 of 2014 for issuance of a Writ of Mandamus directing the Chennai Metropolitan Development Authority and Corporation of Chennai to remove the illegal construction put up by the petitioner in W.P.No.29758 of 2015 at D.No.17,Vichoor Muthia Street, Choolai, Chennai. The said Writ Petition was taken up along with W.P.No.941/2015 filed by the petitioner in W.P.No.29758 of 2015 challenging the locking and sealing notice dated 12 December 2014 issued by the Corporation of Chennai. The Writ Petitions

were disposed of by order dated 3 February 2015, directing the Commissioner, Corporation of Chennai, to take enforcement action.

4. The petitioner has come up with this contempt petition alleging that the respondents have wilfully disobeyed the order passed by this Court and as such, they are liable to be punished under the provisions of the Contempt of Courts Act.

5. While the Contempt petition was pending, the respondents took follow up action pursuant to the demolition notice and demolished the illegal structure put up by the petitioner in W.P.No.29758 of 2015.

6. The learned Additional Advocate General has produced photographs indicating the present position of the building after completing the process of demolition. We are satisfied that the respondents have complied with the order passed by this Court and as such, it is not necessary to keep this contempt petition pending.

W.P.No.29758 of 2015:-

7. The petitioner has earlier filed a Writ Petition before this Court in W.P.No.941/2015. The Writ Petition was to quash the locking and sealing notice issued by the Chennai Corporation. While considering the said Writ Petition, along with the Writ Petition filed by the petitioner in Contempt

petition in Cont.P.No.508/2015, the Division Bench found that the petitioner has constructed the building illegally and unauthorizedly, without any planning permit. It was a major deviation and as such, the Division Bench opined that no relief could be granted to the petitioner. The Writ Petition filed by the petitioner was dismissed by order dated 3 February 2015.

8. The petitioner without impleading the parties to the contempt petition in Cont.P.No.508 of 2015, wanted this Court to issue a mandamus directing the Government to dispose of the stay petition filed under Section 79(5) of the Tamil Nadu Town and Country Planning Act, 1971.

9. This Court has already dismissed the Writ Petition filed by the petitioner. It was only after the commencement of demolition work by the Chennai Corporation, the petitioner filed the appeal before the Government. It is for the petitioner to prosecute the appeal in accordance with the provisions of the Tamil Nadu Town and Country Planning Act, 1971. There is no question of directing the Government to consider the application within a particular period in view of the conduct of the petitioner in constructing the building illegally and unauthorizedly, at the first instance and thereafter filing application for building permission. We are therefore of the view that the petitioner has not made out a case for issuing a direction to the Government.

SATISH K. AGNIHOTRI, J.

and

K.K.SASIDHARAN, J.

(tar)

10. In the upshot, we close the contempt petition and dismiss the Writ Petition. No costs. Consequently, connected miscellaneous petitions are closed.

(SATISH K. AGNIHOTRI, J.) (K.K.SASIDHARAN, J.)

14.10.2015

Index: Yes/no
tar

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