

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2016

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN**

Contempt Petition No.2131 of 2016

R.Chandramohan

Petitioner

Versus

1. Mr.Dharmendra Pradap Yadav
The Director
Town and Country Planning Authority,
No.807 Anna Salai, Chennai-2.

2 Mr.R.Nageswaran
Dy. Director/Member Secretary
Trichy Town Planning
No.10 Williams Road
Contonment Trichy

3 P.Jayakumar

Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971 arising out of the order of this court dated 11.4.2016 passed in W.P.No.2966 of 2016.

For petitioner : Mr.Elephant G.Rajendran

For RR1 and 2 : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

For R3 : No appearance.

ORDER

(Order of the court was made by V.PARTHIBAN, J.)

The present contempt application is filed claiming that the

<https://hcservices.ecourts.gov.in/hcservices/> order passed by this Honourable Court dated 11.4.2016 has not been complied with.

2. In the concluding part of the order, the submission of the learned Special Government Pleader appearing on behalf of respondents 1 and 2 in the writ petition is recorded to the effect that action would be initiated against the irregular construction put up in the subject premises, within a period of four weeks. However, according to the petitioner herein, no action was initiated as per the undertaking given by respondents 1 and 2.

3. In the meanwhile, it appears that the Association of the Apartment Owners concerned has approached this Honourable Court and obtained a direction in W.P.No.13887 of 2016 dated 15.4.2016 for consideration of the appeal under section 80(A) of the Tamil Nadu Town and Country Planning Act. On such a direction having been given, the issue is pending consideration before the authority concerned and as on date, no order has been passed in the appeal. In view of the pendency of the appeal under section 80A of the Tamil Nadu Town and Country Planning Act, respondents 1 and 2 in the writ petition could not proceed further as per the undertaking and according to the learned Special Government Pleader, the appeal will be disposed of within a period of four weeks from today. In the meanwhile, the petitioner is also directed to participate in the proceedings under section 80(A) of the Tamil Nadu Town and Country Planning Act and file his objections, if any, before the authority concerned.

4. Since this court is of the view that there is no deliberate action in disobeying the orders, nothing survives for

consideration in the contempt petition. Therefore, the contempt petition is closed for the present, with liberty to the petitioner herein to approach this court, after disposal of the appeal, by the Government, under Section 80A of the Act, in case, he is aggrieved by the orders passed thereon.

ssk.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/17/11/2016

One CC to Mr.Elephant G.Rajendran, Advocate, SR.13831/2016

To

1. The Director
Town and Country Planning Authority,
No.807 Anna Salai, Chennai-2.
- 2 The Deputy Director/Member Secretary
Trichy Town Planning
No.10 Williams Road
Contonment Trichy.

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