

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2017

Coram

**The Hon'ble Mr.Justice Nooty. Ramamohana Rao
and**

The Hon'ble Mr.Justice M.Dhandapani

Contempt Petition Nos.846 and 847 of 2016

New Kenilworth Hotel Pvt. Ltd.,
rep. by its Authorized Signatory,
Mr.Sudipta Nandi.

...Petitioner in both Contempt Petitions.

Vs.

1. P.Sivashankaran, I.A.S.,
Secretary to Government,
Social Welfare and NMP (SW-V) Department,
Fort St. George,
Chennai - 600 009.

2. R.Venkatesan, I.A.S.,
Secretary to Government,
Revenue Department,
Fort St.George,
Chennai - 600 009.

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3. V.Amuthavalli, I.A.S.,
Managing Director,
Tamil Nadu Corporation for
Development of Women Ltd., (Maham)
Government of Tamil Nadu Undertaking,
No.100, Anna Salai, Guindy,
Chennai - 600 032.

4. Ms.Archana Patnaik, I.A.S.,
The District Collector,
Office of District Collectorate,
Coimbatore.

5. C.Mathivanan,
The Member Secretary,
Coimbatore Local Planning Authority,
Corporation Commercial Complex,
Coimbatore - 641 012

6. Mr.Dharmendra Pratap Yadav, I.A.S.,
Secretary to Government,
Housing and Urban Development,
Fort St. George, Chennai -9.

(R-6 has been suo motu impleaded as per order passed
the Bench, dated 20.01.2017.

...Respondents in both Contempt Petitions.

Contempt Petitions filed under 11 of the Contempt of Courts Act, 1971, with a prayer to issue summon to the respondents for the wilful disobedience of the order passed by the Hon'ble Division Bench of this Court, in W.A.Nos.523 and 522 of 2008, dated 03.12.2010.

In both Contempt Petitions

For Petitioner : Mr. P.S.Raman, Senior Counsel
for M/s. P.R.Gopinathan

For Respondents
1 to 3 : Mr.C.Manishankar
Additional Advocate General
assisted by Mr.M.K.Subramanian,
Government Pleader

COMMON ORDER

(Order of the Court was delivered by **Nooty Ramamohana Rao, J.,**)

These two Contempt Cases essentially arise from the alleged non-compliance of the orders passed by this Court, in W.A.Nos.522 and 523 of 2008, dated 03.12.2010.

2. After a long lapse of time, the State Government is pleased to comply with the direction issued by this Court, and passed a detailed order, in

G.O.(2D) No.131 Housing and Urban Development [(UD49) (I)] Department,

dated 17.07.2017. The most relevant portion of the said Government Order, containing the crucial decision of the Government is extracted hereinbelow:-

“ Government carefully considered about this issue of change in land use. Since the lease period of the site in question is in force and has not expired, the lease rent had been accepted by the Social Welfare Department; the lands surrounding the site in question are by and large being used for commercial purposes by commercial establishments, Hospitals, Educational Institutions, Restaurants and Hotels and to comply with the orders of the Madras High Court, the proposals of the Commissioner of Town and Country Planning are hereby accepted and the Government hereby orders and permits to effect the change in land use in the approved in Coimbatore Integrated Master Plant to that of Commercial Use Area from that of Educational use area in respect of the lands of an extent of 5.00 acres in Ka.Sa. Nos.451/1Part and 452/Part - New Ward No. 25-Block No.16) Coimbatore Local Planning Authority, Coimbatore City Municipal Corporation (East Zone) Vilankurichi Village that was leased out to petitioner-M/s New Kenil Worth Hotel Private Limited, Kolkatta.”

3. After considering the same, we are satisfied that, State Government has complied with the direction issued by this Court. However, the learned Senior Counsel appearing for the Writ Petitioner, Shri. P.S.Raman, tried to impress upon us that, there are certain uncalled for remarks found in the other paras of the G.O., preceding the decision of the Government. In our opinion, what is relevant for us, and so be it with the parties, is the ultimate decision, and as to what process of reasons has been adopted for arriving at such a decision may not be relevant at this stage. The question, that is being examined by us, in these Contempt Petitions is as to whether or not, the decision finally taken by the Government is in consonance with and in compliance of the judgment rendered by this Court. Therefore, the writ petitioner is required to focus it's attention only with regard to the ultimate decision, and can ignore all such irrelevant, or immaterial suggestions, observations, remarks etc., contained in the preceding paras to that of the ultimate conclusion.

4. We hope and trust that, now that the major stumbling blocks in the case of the writ petitioner are over come, it's case for the follow up action will be processed and will go on as expeditiously as is permissible in law, keeping in view, the time loss suffered by the petitioner in this case.

5. This Contempt Petition stands disposed of, after hearing the learned Additional Advocate General.

(N.R.R.J.) & (M.D.I.J.)
04.08.2017

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Index : Yes/No



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**Nooty Ramamohana Rao, J.,
&
M.Dhandapani, J.,**

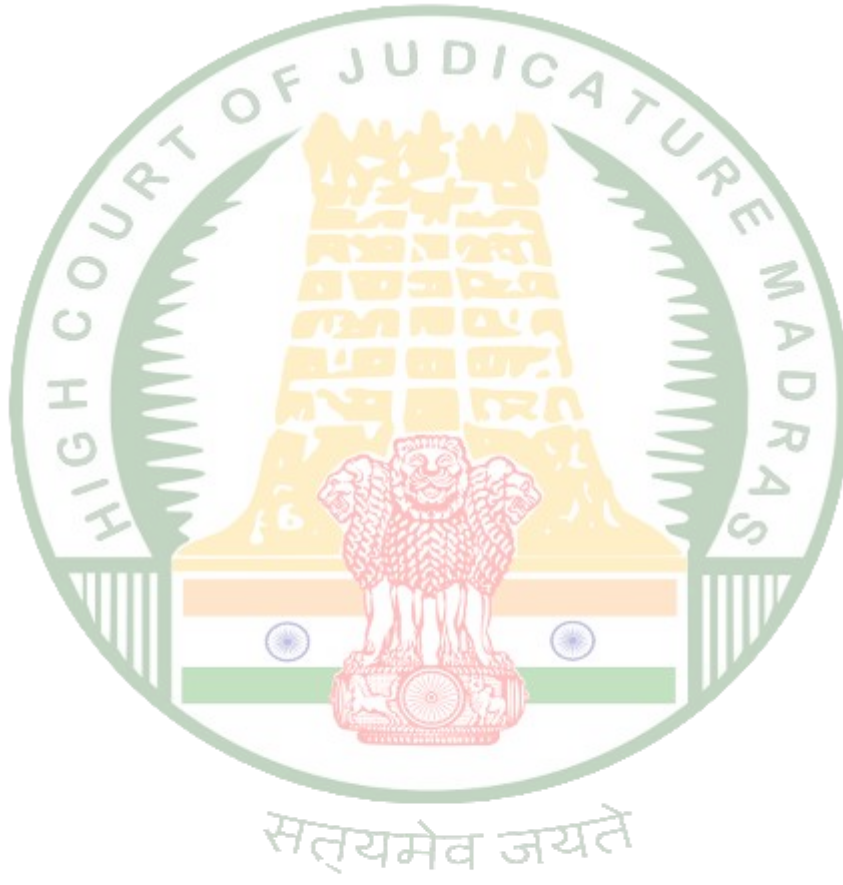
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