



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

TUESDAY, THE 08th DAY OF MARCH, 2022

THE HON'BLE MR.JUSTICE P.N.PRAKASH

AND

THE HON'BLE MR.JUSTICE M.SUNDAR

CONTEMPT PETITION NO.1893 OF 2012

Mr.B.Dayalan,
S/o.D.Bakthavatsalu Naidu,
No.50, Bharathidasan Street,
R.G.N.Colony, Red Hills,
Chennai-52.

... Petitioner

Vs.

1. R.Venkatesan,
The Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Chennai-600 008.

2. K.Manivel,
Executive Officer,
Town Panchayat,
Naravarikuppam,
Chennai-600 052.

... Respondents

Contempt Petition filed u/s 11 of the Contempt of Court Act, 1971,
praying that this Court be pleased to punish the Respondents for wilfully
disobeying the orders of this Hon'ble Court dated 22.09.2006 made in
W.P.No.3248 of 2006.

<https://hcservices.ecourts.gov.in/hcservices/>
The above Contempt Petition coming on this day before this Court
for hearing in the presence of Ms.Veena Suresh, learned Counsel appearing



for the Respondent No.1(CMDA) and no appearance of the Counsel for the Petitioner herein; and upon reading the petition and affidavit of B.Dayalan, filed in Contempt Petition; the Court made the following order:

“When this matter was taken up in Court, there was no representation for the petitioner.

2. We examined the case file. We find that the genesis of the matter is an order dated 22.09.2006 made by a Honourable Division Bench in W.P. No.3248 of 2006.

3. In this order, the grievance of the petitioner was that two private individuals (respondents 4 and 5) had put up unauthorised construction in an adjacent plot and sought demolition of the same. The Honourable Division Bench acceded to the prayer vide aforementioned order dated 22.09.2006.

4. Complaining of non-compliance, the aforementioned contempt petition was presented in this Court almost one decade ago i.e., on 02.11.2012 to be precise.

5. On 30.01.2017, this contempt petition has been disposed of by a Division Bench to which one of us (M.Sundar, J.) was a party. In this order made by the Division Bench presided by the then Honourable Chief Justice, in paragraphs 7 and 8, it was made clear that local authority concerned has sealed the building and only further notices in accordance

with law are pending and these paragraphs 7 and 8 read as follows:



'7. We are informed that the second respondent/Executive Officer, Town Panchayat, has sealed the entire building on 5.12.2016 itself and issued further notices in accordance with law. In order to complete the action, it is stated that three weeks more time may be granted.

8. We take the aforesaid statement on record and accordingly close the contempt petition with liberty to revive if the action is not completed.'

6. Thereafter, the matter was listed before another Honourable Division Bench, where it was represented that one individual by name Alagar Perumal, claiming to be aggrieved, has filed W.P. No.5801 of 2017, this Court by order dated 09.03.2017 has directed the authorities to consider his case, pass appropriate orders on merits but with a caveat that till the conclusion of the proceedings, no coercive action shall be taken against him.

7. Mr.S.Vasudevan, Assistant Planner, Chennai Metropolitan Development Authority, Chennai and Mr.D.Sabapathi, Deputy Planner, Chennai Metropolitan Development Authority, Chennai are present before this Court today.

8. There is nothing before us today either in the case file or by way of representation on behalf of the petitioner to demonstrate that there



was further progress in this direction much less is there anything before us to demonstrate that there is a reason for reviving the contempt as alluded to in paragraphs 7 and 8 of the original order dated 30.01.2017 which have been extracted and reproduced supra.

9. In any event, we find that the rights of the petitioner had been amply and adequately protected vide paragraph 8 which has been extracted and reproduced supra. Therefore, we find no point in keeping this more than one decade old vintage contempt petition pending and therefore the same is closed holding that no further orders are necessary.”

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 08th DAY OF MARCH 2022.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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CONTEMPT PETITION No.1893/2012
THE HON'BLE MR.JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR.JUSTICE M.SUNDAR

ORDER

DATED : 08/03/2022

FOR APPROVAL : 21/03/2022

APPROVED ON : 22/03/2022

To

1. R.Venkatesan,
Member Secretary,
The Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Maligai,
No.1, Gandhi Irwin Road,
Chennai-600 008.
2. K.Manivel,
Executive Officer,
Town Panchayat,
Naravarikuppam,
Chennai-600 052.