

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2018

Coram

The Hon'ble Mr. Justice **M.M. SUNDRESH**
and
The Hon'ble Mr. Justice **R. MAHADEVAN**

Cont. Petition No.1677 of 2017

R.Chandramohan ... Petitioner

vs.

1. D.Karthikeyan, I.A.S.,
The Commissioner,
Corporation of Chennai,
Chennai - 3.
2. Dr.Subadh Kumar, I.A.S.,
The Regional Deputy Commissioner
(Central) Zone VIII,
Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 30.
3. M.Paranthaman,
Zonal Officer Zone VIII,
Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 30.
4. Sundararajan,
The Executive Engineer,
Zone VIII, Corporation of Chennai,
Pulla Avenue, Thiru.Vi.Ka.Park,
Shenoy Nagar, Chennai - 30.

.. Respondents

Petition filed under Section 11 of Contempt of Courts Act and Article 215 of The Constitution of India to punish the respondents for their deliberate and wilful disobedience of the order of this Court passed on 26.10.2016 in W.P.No.37531 of 2016 and order passed dated 15.02.2017 in W.P.No.3737 of 2017 with a consequential

prayer of demolishing the construction obstructing the customer car and two wheeler coming from 226, Purasawakkam High Road.

For Petitioner .. Mr.Elephant G.Rajendran

For Respondents .. Mr.R.Arunmozhi

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

Alleging that the order dated 26.10.2016 in W.P.No.37531 of 2016 and the order dated 15.02.2017 in W.P.No.3737 of 2017 of 10.2016 have not been complied with, the present contempt petition has been filed.

2.The grievance of the petitioner appears to be two fold. One is with respect to the action taken against his shop. The other is with respect to the planning permission granted after the construction is over and contrary to the orders passed by this Court.

3.We are afraid that for both the grievances, the remedy of the petitioner lies elsewhere. If the petitioner's building has been proceeded wrongly, it gives a fresh cause of action and therefore, he has to work out his remedy in the manner known to law. Similarly, if the building permission has been given contrary to the Rules, then it is amenable to challenge. Therefore, leaving all

the issues open, this contempt petition stands closed.

4.It is also open to the petitioner to raise a plea that the planning permission should not have been granted after the order passed by this Court. We also direct the fourth respondent to furnish the planning approval granted in favour of the fifth respondent in W.P.No.3737 of 2017, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
MMI

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/05/12/2018

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