

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2018

CORAM

THE HONOURABLE MR. **JUSTICE R.MAHADEVAN**

and

THE HONOURABLE MR. **JUSTICE V.PARTHIBAN**

CONT.P.No.798 of 2017

1.Karim Y. Currimbhoy
2.S.Rajagopal
3.Motilal Nichani
4.Sanjana Yash Chabbria
5.I.R.Shamsuddin Ibrahim
6.Shravanthi C.
7.K.Perumalsamy Raja ... Petitioners

Vs

1.Mr.C.Vijayarajkumar, IAS
Member Seretary, CMDA,
No.1, Gandhi Irwin Road,
Chennai 8.
2.N.Jothivel,
S/o.Naganathan
No.111/18, Sterling Road,
Nungambakkam,
Chennai - 34.
(R2 impleaded as per the order of this Court
dated 04.12.2017 in Sub Appln.No.326/2017)

... Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971 to punish the respondent for
wilful disobedience of the order of this Court dated

For Petitioner : Mr.G.Rajan
 For R1 : Mr.Karthik Rajan
 For R2 : Mr.V.Karthikeyan

O R D E R

Alleging that the order of this Court dated 01.11.2016 passed in W.P.No.37822 of 2016, has not been complied with by the first respondent, the present Contempt Petition came to be filed.

2.When the matter was taken up for consideration, the learned counsel appearing for the first respondent submitted that the order of this Court has been complied with. In support of the same, he filed affidavit of the first respondent, enclosing a sketch, wherein, at para 11, it has been averred as follows:

"11.I further respectfully submit that the owner of the building had extended the additional construction up to petitioner's boundary on southern and eastern sides without leaving any setback space. The supporting columns of the old building have been replaced by constructing new columns and beams along petitioner's boundary in the setback space (south) to support the old Ground floor + 2 floors structure. The new

addition to the old building was taken for demolition on 09.02.2017. The entire structure put up in the front setback space (Western side) was demolished from Ground floor to 4th floor including RCC water tank. Entire staircase and lift portion was removed to cut access to upper floors and side walls constructed along the eastern side boundary at 1st and 2nd floor level were also removed..."

3. Recording the same, this Contempt Petition stands closed. However, it is made clear that the 7th respondent in WP.No.37822 of 2016 shall not proceed with any unauthorized construction further, which shall be monitored by the competent authority periodically.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

rk

//Certified to be true copy//

Dated at Madras this the day of 2019.

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COURT OFFICER (O.S.)

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PS/23/01/2019