



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2018

CORAM

WEB COPY

**THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR**

CONTEMPT APPEAL (MD) Nos.15 and 16 of 2017
and C.M.P. (MD) No.2751 of 2018 in CONT.A.(MD) No.15 of 2017

B.Veeralakshmi

... Appellant/Petitioner in
both appeals

Vs.

R.Nageswaran,
Member Secretary,
Local Town Planning Authority,
10, Williams Road,
Tiruchirappalli - 620 001

... Contemnor/Respondent/
Respondent in Cont.A.(MD) No.15/2017

1. Sri S.Karuthaiah Pandian, I.A.S. (Retired),
(Former Secretary,
Municipal Administration and Water
Supply Department),
Now Director,
Bharathidasan Institute of Management,
BHEL Complex, Trichy - 620 014.

2. Sri.V.P.Dhandapani,
(Former Commissioner, Tiruchi
City Corporation),
Now, Additional Director of
Municipal Administration,
Ezhilagam, Chennai - 600 005.

3. Sri P.Yogaraja,
(Former Member Secretary,
Local Town Planning Authority, Trichy),
Now Member Secretary, Local Town
Planning Authority,
Madurai City Corporation,
Madurai - 625 001.



4.Sri. R.Raja Mohamed,
(Retired Corporation Engineer),
Tiruchirappalli City Corporation,
Now residing at
No.65B, New Raja Colony,
Bheema Nagar,
Trichy - 620001.

... Contemnors/Respondents/
Respondents in Cont.A.(MD) No.16 of 2017

Contempt Appeals filed under Article 215 of Constitution of India and under Section 19 of Contempt of Courts Act, 1971, praying to set aside the order dated 11.08.2016 made in Contempt Petition (MD) SR.Nos.9755 and 9756 of 2016 rejecting the contempt petitions.

Prayer in Cont.Petition (MD) SR.Nos.9755 and 9756 of 2016:

Petitions filed under Section 11 of the Contempt of Court Act for willful disobedience of the orders dated 11.02.2015 passed in WP(MD)No.10901 of 2011.

Prayer in WP(MD)No.10901/ 2011 :

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a WRIT OF MANDAMUS, directing the Respondents 1 to 3 to take appropriate action for the deviation, alienation and violation from the sanctioned planning permission including the action for demolition of the office room in unlawful occupation and handover the vacant premises of 142 Sq. ft. or undivided share of land to the Respondents 11 and 12 jointly and consequently direct them to restore the car parking area and thereby allot a car parking slot to this petitioner.

For Appellant in both the : Mr.S.C.Herold Singh
appeals

For Respondents in both the : Mr.N.S.Karthikeyan
appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

Considering a common issue is involved in these Contempt Appeals, they are disposed of by this common judgment.

2.Learned counsel appearing for the appellant in Contempt Appeal (MD) No.16 of 2017 seeks permission of this Court to withdraw Contempt Appeal (MD) No.16 of 2017 and he has also made an endorsement to that effect. Recording the same, Contempt Appeal (MD) No.16 of 2017 stands dismissed as not pressed.



3.As regards Contempt Appeal (MD) No.15 of 2017, we find that Section 19(1) of Contempt of Courts Act does not provide for filing appeal against the dismissal of contempt petition. Thus, we are unable to go into the merits of the appeal. Hence, Contempt Appeal (MD) No.15 of 2017 is dismissed. However, considering the submissions of the appellant we give liberty to file review before the learned Single Judge. If the review is filed within four weeks from the date of receipt of the copy of this judgment, Registry is directed to number the same without insisting for petition to condone the delay. The learned counsel appearing for the appellant also would submit that the appellant would file separate writ petition seeking the relief based upon the order passed in W.P. (MD) No.10901 of 2011. In such view of the matter we also give liberty to the petitioner to file fresh writ petition, if she is so advised. Consequently, connected C.M.P.(MD) No.2751 of 2018 is closed as unnecessary. No costs.

j

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

+ 2 CC TO Mr.S.C.HEROLD SINGH, ADVOCATE IN SR No. 85029 & 85028
+ 1 CC TO Mr.N.S.KARTHIKEYAN, ADVOCATE IN SR No. 85096

SJ
TE/RP/SAR-4 : 26/10/2018 : 3P/4C

CONTEMPT APPEAL (MD)Nos.15 and 16 of 2017
18.09.2018