

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Contempt Case No.1008 of 2014

ORDER:

The order, violation of which is alleged in this Contempt Case, is the order passed in W.P.No.4387 of 2014 dated 13.03.2014 whereby respondents 3 and 4 were directed not to make any further construction on the second and third floors till orders were passed by the GHMC in the application filed by them under Section 455-A of the Act.

It is not in dispute that the application submitted by respondents 3 and 4 seeking regularization under Section 455-A of the Act, is still pending consideration of the GHMC. The complaint, in this Contempt Case, is that, despite the orders passed by this Court, respondents 3 and 4 herein had proceeded with construction.

While there appears to have been a violation of the orders passed by this Court by respondents 3 and 4 herein, in making construction on the fourth floor, it is now stated by Sri Muddu Vijay, Learned Counsel for respondents 3 and 4, that all the brick-walls and the ceiling of the 4th floor have now been removed; and the order of this Court has been complied with. While Sri V.Hariharan, Learned Counsel for the petitioner, expresses ignorance as to whether the entire illegal constructions made by respondents 3 and 4, contrary to the order passed by this Court, are removed or not, the affidavit dated 20.09.2018, filed by respondents 3 and 4, records that they have removed the brick-walls in the 4th floor, and have complied with the orders of this Court. Respondents 3 and 4 have also filed photographs in proof

of compliance, and have tendered their unconditional apology for their earlier lapse. In the light of the assertion in the affidavit on oath, that they have removed all constructions made by them in the 4th floor, and as it is their case that the construction of the 2nd and 3rd floors was completed before this Court passed the order, I see no reason to proceed against them any further under the Contempt of Courts Act.

The Contempt Case is, accordingly, closed.. The miscellaneous petitions, if any pending, shall also stand closed. There shall be no order as to costs.

Date:20.09.2018.
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RAMESH RANGANATHAN, J

