

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cont.P.No.1487/2018

G.Vaithiyalingam,
S/o.Late, Ganapathi Chettiar,
No.7 A Raja Street,
Devaraj Nagar, Saligramam,
Chennai 600 093.

... Petitioner

Versus

Mr.Va.Periyasamy
Zonal Executive Engineer
Corporation of Chennai
Zone No.X, No.64, NSK Salai
Kodambakkam, Chennai 600 024.

.. Respondent

Prayer:- Contempt petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order of the Court dated 20.07.2017 in WP.No.18401/2017.

For Petitioner : Mr.M.Chidambaram

For Respondent : Mr.V.C.Selvasekaran

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner, alleging non-compliance and willful disobedience of the order of this Court dated 20.07.2017 made in WP.No.18401/2017 on the part of the respondent, came forward to file the present petition.

2 Heard the learned counsel for the petitioner and Mr.V.C.Selvasekaran, learned Standing counsel for the respondent/contemnor and also perused the Report dated 19.03.2019 submitted by the Executive Engineer, Zonal Office-XI, Greater Chennai Corporation,

3 A perusal of the same would indicate that the premises of the petitioner was also inspected on 09.10.2017 and found that the petitioner himself had put up an unauthorised construction in the rear side, admeasuring to a total extent of 18.69 sq.m. in three separate portions and a toilet consisting of front portion admeasuring 27 sq.m., with asbestos sheet, and the centre portion admeasuring to an extent of 38.85 sq.m. with RCC roofing and also some additional construction, for which action has been taken under the provisions of the Town and Country Planning Act, 1971, and challenging the same, the petitioner had filed WP.No.28100/2017 and the same has been entertained and interim orders are in operation. Insofar as the 5th respondent in the writ petition is concerned, viz., Mr.Amardoss, action was taken and he approached the Secretary to Government, Housing and Urban Development Department, Secretariat, Chennai-9, and he was directed to make an application to obtain the planning permission in the form of rectification of the offending construction and he has also given a letter dated 17.07.2018, applying for

the revised planning permission to the Chennai Metropolitan Development Authority and also made a request, not to taken any coercive action till the disposal of the application and subsequently, Mr.Amardoss, has been issued with De-Occupation Notice dated 14.03.2019.

4 The learned counsel for the petitioner would submit that undue indulgence has been shown to the 5th respondent in the writ petition, viz, Mr.Amardoss and whereas, the petitioner has been selectively targeted and prays for appropriate orders,

5 *Per contra*, Mr.V.C.Selvasekaran, learned Standing counsel appearing for the respondent/contemnor would submit that in the light of the liberty granted by the Government, Mr.Amardoss/5th respondent in the writ petition, has submitted an application for rectification to CMDA and the same is pending.

6 In the light of the above facts and circumstances, this Court is of the considered view that no willful disobedience for non-compliance of the order has been made out by the respondent/contemnor. However, taking into consideration the contents of the Report dated 19.03.2019, this Court directs the Chennai Metropolitan Development Authority to expedite the process of the

application dated 17.07.2018 submitted by Mr.Amardoss/5th respondent in the writ petition, and pass appropriate orders in accordance with law, as expeditiously as possible and preferably, within a period of four weeks from the date of receipt of a copy of this order and inform the decision taken to the petitioner as well as to Mr.Amardoss/5th respondent in the writ petition.

7 The contempt petition is closed subject to the above observations.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

AP

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Ps/24/04/2019

To

The Zonal Executive Engineer
Corporation of Chennai, Zone No.X, No.64, NSK Salai
Kodambakkam, Chennai 600 024.

Copy to:-

The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008.