

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(CONTEMPT JURISDICTION)

THURSDAY, THE 25TH DAY OF APRIL, 2019

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CONTEMPT PETITION No.1087 OF 2017

AND

W.P.No.24705 OF 2017

C.Prabhakaran,
Son of Chinnappa Naidu,
Door No.8, Prema Avenue,
Thirumullaivoyal, Chennai 600 062.

... Petitioner/Petitioner

Vs

1. Dharmendra Pratap Yadav, IAS,
Secretary,
Housing and Urban Development
Department,
Fort St.George,
Chennai-9.

2. Mr.Vijayaraj Kumar, IAS,
Member Secretary,
Chennai Metropolitan
Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. Mr.Mujibar Rahman,
Commissioner,
Avadi Municipality.

4. J.Jothi,
W/o.B.Jayachander,
No.6, D.R.R.Street, Avadi,
Chennai 600 054.

... Respondents/Respondents

W.P.NO.24705 OF 2017

MRS.J.JOTHI,
W/O.B.JAYACHANDER , NO.6 , D.R.R.STREET
GANDHI NAGAR, AVADI , CHENNAI-600 054.

...PETITIONER

VS

- 1 THE SECRETARY ,
HOUSING AND URBAN
DEVELOPMENT DEPARTMENT ,
FORT ST. GEORGE, CHENNAI-09
- 2 THE MEMBER SECRETARY,
CHENNAI METROPOLITAN DEVELOPMENT AUTHORITY
NO.1 ,GANDHI IRWIN ROAD,EGMORE,
CHENNAI-08.
- 3 THE COMMISSIONER,
AVADI MUNICIPALITY,
AVADI , CHENNAI-54.
- 4 C.PRABHAKARAN ,
S/O.CHINNAPPA NAIDU,
DOOR NO.8 ,PREMA AVENUE
KAMBAR STREET , VELAMMAL NEW TOWN,
THIRUMULLAIVOYAL , CHENNAI-62.

...RESPONDENTS

Contempt Petition under Section 11 of the Contempt
of Courts Act, praying that this Hon'ble Court be pleased
to punish all the Respondents herein for the violation and
disobedience of this Hon'ble Court's order in W.P.No.9756
of 2016 dated 23.03.2016.

The above Contempt Petition and Sub Application coming
on this day before this Court for hearing in the
presence of Mr.K.M.Vijayan, Senior Counsel for

Mr.N.V.N.Margendeyan, appearing for the Petitioner herein; and of Mr.S.N.Parthasarathy, Government Advocate for R1, Mr.Karthick Rajan, For R2, Mr.P.Srinivas for R3, and Mr.Mohana Murali, for R4 herein; and upon reading the petition and the affidavit of C.Prabakaran, filed in the Contempt Petition; the Court made the following order:-

“When the matter is taken up for hearing today, the Commissioner, Avadi Municipality, Avadi / Third Respondent herein has filed an affidavit, stating that the order of this Court dated 23.03.2016 has been complied with; that the building has been brought in accordance with the Plan 2001 & 2004 and that the set back violations have been duly rectified. The relevant Paragraph No.3 of the affidavit is extracted hereunder:

Sl. No.	Set back	As per approved Plan 2001 & 2004	As on site	Remarks
1	Front Set back (North)	10 Feet	10 Feet	Structure Removed
2	Side Set back (East)	3 Feet 3 Inches	3 Feet 3 Inches	Structure Removed
3	Side Set back (West)	2 Feet 3 Inches	2 Feet 3 Inches	Structure Removed
4	Rear Set back (South)	2 Feet 4 Inches	2 Feet 4 Inches	Structure Removed

2. In view of the above, this Court is of the view that no further

orders are required in these petitions. If the Contempt Petitioner still

feels that there is no due compliance of the order of this Court, it is

open to him to bring it to the attention of the Appropriate Forum in accordance with law.”

WITNESS THE HON'BLE SHRIMATI. JUSTICE VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE OF HIGH COURT AT MADRAS, AS AFORESAID, THIS THE 25th DAY OF APRIL 2019.

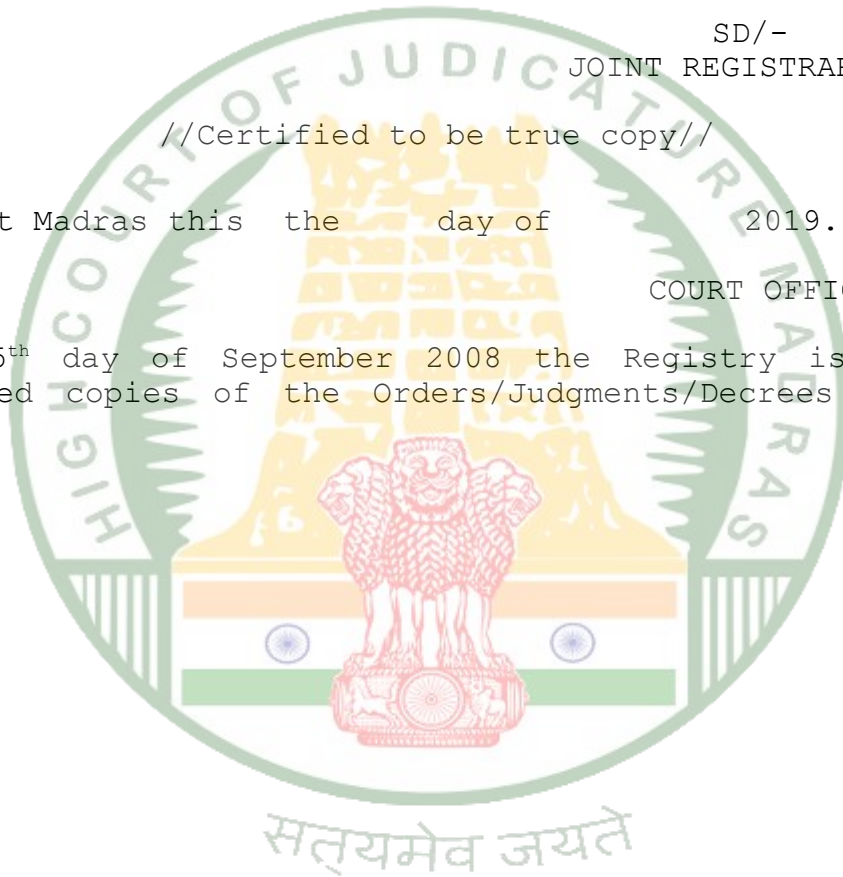
SD/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.



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RA/09/05/2019

CONTEMPT PETITION No.1087/2017

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE MR.JUSTICE
S.VAIDYANATHAN

ORDER DATED :25/04/2019

FOR APPROVAL :10/05/2019

APPROVED ON :10/05/2019

Copy to:

1. Dharmendra Pratap Yadav, IAS,
Secretary,
Housing and Urban Development
Department,
Fort St.George,
Chennai-9.

2. Mr.Vijayaraj Kumar, IAS,
Member Secretary,
Chennai Metropolitan
Development Authority,
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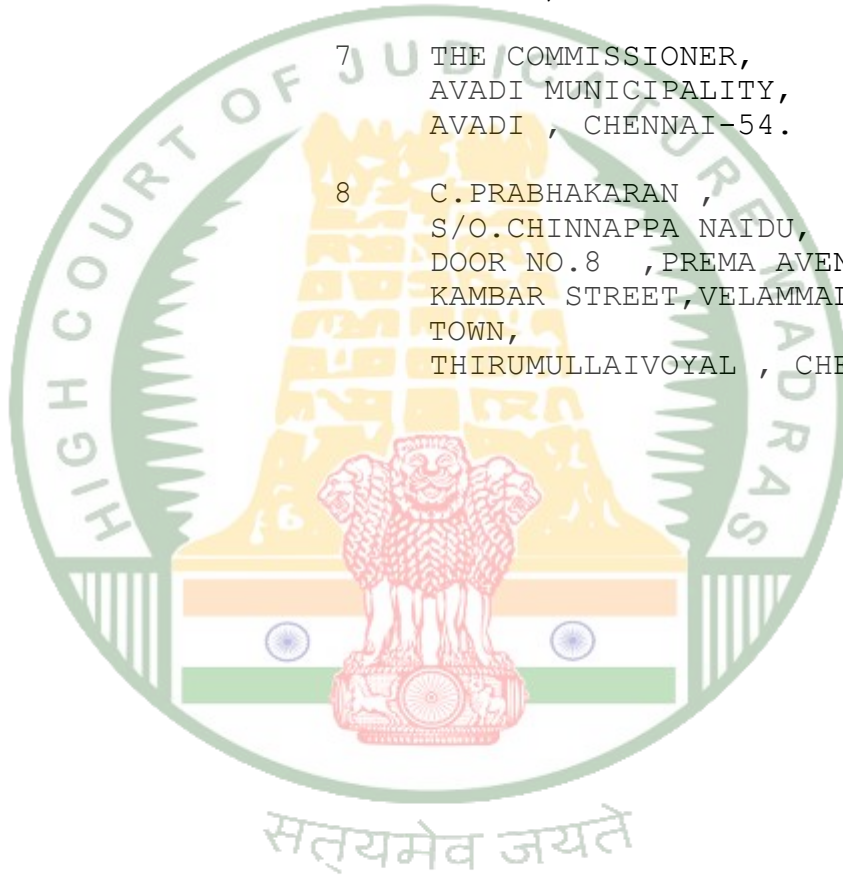
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HOUSING AND URBAN
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