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Contempt Petition No.332 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

AND

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Contempt Petition No.332 of 2021

C.Daniel,
No.211, Alpha Gardens,
Velachery Main Road,
Selaiyur, Chennai – 600 073

... Petitioner

Vs.

1.Mrs.S.Chitra,
Municipal Commissioner,
Tambaram Municipality,
No.1, Muthuranga Mudali Street,
West Tambaram, Tambaram,
Chennai – 600 045.

2.Mr.Shunchonngam Jatak Chiru, IAS.,
Chief Executive Officer,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.Mrs.Chandrakeka,
No.13, First Main Road,
Kasthuribai Nagar,
Adayar, Chennai – 600 020

... Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for having deliberately disobeyed the orders of this Court in W.P.No.1106 of 2019 dated 24.06.2019.



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Contempt Petition No.332 of 2021

For Petitioner : Mr.S.Ezhil Raj

For Respondents : No appearance

ORDER

(Order of the Court made by M.DURAISWAMY, J.)

The petitioner has filed a Writ Petition in W.P.No.1106 of 2019 to issue a Writ of Mandamus to direct the 1st respondent to take appropriate further action in pursuance of its notice dated 31.07.2018. The 1st respondent filed their counter wherein they found no deviation to the approved building plan other than the usage of Fertility Centre and there was no unauthorized construction and further action was kept in abeyance. That apart, the learned counsel for the 1st respondent submitted that in fact the 1st respondent had prepared a note for withdrawal of the notice dated 31.07.2018 in view of the available materials. In view of the averments stated in the counter filed by the 1st respondent and also the submission made by the learned counsel for the 1st respondent, the learned counsel appearing for the petitioner submitted that the Writ Petition may be closed. In view of the submissions made by the learned counsel on either side, the Writ Petition was closed by the Division Bench of this Court on 24.06.2019. Subsequently, the CMDA issued a notice dated 18.12.2020 under Section 56(2)(iii) of the Town and Country Planning Act, 1971 for locking and sealing the premises in question.



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2.It is brought to the notice of this Court by the learned counsel appearing for the petitioner that earlier the CMDA had also issued a notice dated 14.09.2020 under Sections 56 & 57 read with Section 85 of the Town and Country Planning Act, 1971 for locking and sealing and removal of construction put up in contravention to the planning permission. The learned counsel for the petitioner further submitted that as against the locking and sealing and demolition notice, the petitioner has filed an appeal under Section 80A of the Town and Country Planning Act and the same is pending.

3.The petitioner has rightly approached the Appellate Authority challenging the locking and sealing and demolition notice. So far as the notice dated 31.07.2018 is concerned, which is the subject matter of the Writ Petition in W.P.No.1106 of 2019, the Division Bench had already closed the Writ Petition and the Division Bench has not given any positive direction to the authorities in the said Writ Petition. The issuance of fresh notice for locking and sealing and demolition is a fresh cause of action which has been challenged by the petitioner by way of appeal under Section 80A of the Act.



Contempt Petition No.332 of 2021

4. We do not find any contempt committed by the respondents. In such view of the matter, the Contempt Petition is dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

va

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/24/08/2021

To

1. The Municipal Commissioner,
Tambaram Municipality,
No.1, Muthuranga Mudali Street,
West Tambaram, Tambaram,
Chennai – 600 045.

2. The Chief Executive Officer,
Chennai Metropolitan Development Authority (CMDA),
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai – 600 008.