



Cont. P. No. 431 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Contempt Petition No. 431 of 2021

K.Loganathan,
136, Vellangadu,
Perundurai Road,
Thindal Post,
Erode -12

... Petitioner

Vs.

1. Shri. C.Kathiravan, IAS
District Collector, Erode.
2. Dr. M.Elangovan, B.V.Sc.
Commissioner
Erode Corporation, Erode.
3. C.Kathiravan IAS
Member Secretary
Erode Town and Country Planning Authority
Tamil Nadu Housing Board Complex
Sivaramapatti Road, Erode.
4. R.Vazhavandhan
Deputy Director
Town and Country Planning
Salem Region
No.6, Sannathi Street
Subramaniya Nagar
Suramangalam, Salem.



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5. C.Senthilkumar

S/o. V.S.Chidambaram

No.137, Perundurai Road

Thindal Post, Erode – 12.

6. C.Kuppusamy

S/o. Chinniappa Gounder

Thendral Apartments

No.163, Chinna Muthu Gounder Main Street

Edayankattu Valasu

Collectorate Post, Erode.

[R5 & R6 are *suo motu* impleaded as per orders dated 29.04.2021 passed by this Court in Cont. P. No. 431 of 2021.]

7. The Director of Town and Country Planning

2nd, 3rd and 4th Floor, C&E Market Road

Koyambedu, Chennai – 600 107.

(R7 is *suo motu* impleaded as per orders dated 06.07.2021 passed by this Court in Cont. P. No. 431 of 2021.)

... Respondents

PRAYER : Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the Respondents for the act of contempt of Court for deliberate and wilful disobedience of the orders of this Court dated 22.09.2015 in W.P. No. 4055 of 2015.

For Petitioner : Mr. AL.Ganthimathi

For Respondents : Mr. M.Elumalai (For R3)
Mr. Raja Mathivanan (For R2)
Mrs. R.Anitha (For R1, R4 & R7)
State Government Counsel
Mr. L.Chandrakumar (For R5 & R6)



ORDER

(Order of the Court was passed by **N.KIRUBAKARAN, J**)

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The matter was heard through "Video Conference".

2. This Contempt Petition has been filed alleging that the order of this Court dated 22.09.2015 has been violated.

3. Heard Mrs. AL.Gandhimathi, Learned Counsel for the Petitioner, Mrs. R.Anitha, Learned State Government Counsel appearing for the First and Fourth and Seventh Respondents, Mr. Raja Mathivanan, Learned Counsel appearing for the Second Respondent, Mr. M.Elumalai, Learned Counsel for the Third Respondent and Mr. L.Chandrakumar, Learned Counsel appearing for the Fifth and Sixth Respondents, and perused the materials placed on record.

4. It is evident from the records available that the order passed by this Court on 22.09.2015 was also confirmed by the Hon'ble Supreme Court of India. Further, Appeal Petitions submitted by the Private Respondents before the Director of Town and Country Planning, Koyambedu, Chennai – 600 107 seeking regularization of the building constructed by him, without planning permission in Thindal Village, has been disposed on 20.07.2021, observing that the Petitioner has not re-submitted the returned Application filed before the Deputy Director, Town and Country Planning Erode District (Salem Region) and paragraph No. 4 of the order is extracted as follows:-



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Erode in Petition dated 01.12.2015 and Petition dated 24.06.2018 are examined by me. The report received from the Deputy Director (i/c.), Erode district has also been considered by me. It is found that the Deputy Director (i/c.), has returned the application requesting to submit it with full details. Instead of submitting application with full details to the Deputy Director (i/c.), Town and Country Planning, Erode district, the Petitioner has approached the Commissioner of Town and Country Planning, Chennai. Hence, the applicant, i.e., Thiru. C.Senthilkumar is directed to file application along with supporting documents to the Deputy Director (i/c.), Town and Country Planning, Erode within a period of 2 weeks from the date of receipt of this order. Thereafter, the Local Planning Authority, Erode is directed to consider the application filed by Thiru.C.Senthilkumar and to pass final order as per the law and rules in force within a period of 2 weeks from the date of receipt of application. In the event, if Thiru. C.Senthilkumar fails to file the application before the Local Planning Authority, Erode within the stipulated time in this order, the Local Planning Authority, Erode is directed to pass final orders based on available records and ground conditions on expiry of 2 weeks' time given to the Applicant. Accordingly, the Petitions are disposed off."

5. In view of the above, Private Respondents are directed to re-submit those Applications, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such Application, the Deputy Director, Town and Country Planning, Erode District is directed to decide the matter afresh, after giving due



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opportunity to the Petitioner as well as the Private Respondents and pass

appropriate orders within a period of two weeks, thereafter.

6. With the above directions, this Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

may

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/12/08/2021

To

1. The District Collector, Erode.
2. Thee Commissioner
Erode Corporation, Erode.
3. The Member Secretary
Erode Town and Country Planning Authority
Tamil Nadu Housing Board Complex
Sivaramapatti Road, Erode.
4. The Deputy Director
Town and Country Planning
Salem Region
No.6, Sannathi Street
Subramaniya Nagar
Suramangalam, Salem.
5. The Director of Town and Country Planning
2nd, 3rd and 4th Floor, C&E Market Road
Koyambedu, Chennai – 600 107.