

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Cont.P.No.1573 of 2018

R.Murugan

.. Petitioner

Versus

1.Mr.Karthikeyan, I.A.S/
The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town, Chennai 3.

2.S.Baskaran,
The Zonal Officer-XIII,
Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.

.. Respondents

Prayer:- Contempt petition filed under section 11 of the Contempt of Court Act, 1971, pleaded to punish the respondents for their wilful disobedience of the order in W.P.No.30993 of 2006 dated 20.07.2010.

For Petitioner : Mr.G.Appavu

For Respondents : Ms.Karthika Ashok

ORDER

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

This Court, in continuation and in conjuncture with the earlier order, is passing the following order.

2. The primordial grievance expressed by the petitioner is that despite the positive order dated 20.07.2010 passed in W.P.No.30993 of 2006, directing the respondents 1 and 2 to take action against the 4th respondent by issuing fresh notice as per law, with regard to the unauthorised construction, despite a lapse of nearly 10 years and odd, no action appears to have been taken and therefore, came forward to file this petition for Contempt.

3. The learned counsel appearing for the respondent / contemnor has drawn the attention of this Court to the Report of the 1st respondent dated 10.02.2021 as well as photographs and would submit that originally the premises in question has been put under lock and seal, by invoking Section 56 and 57 of the Town and Country Planning Act, 1971 and though it was represented by the 4th respondent at some point of time that Statutory Revision / Appeal has been preferred, on verification with the Housing and Urban

Development Department of Government of Tamil Nadu, it was found that no Special Revision / Appeal has been pending and thereafter reminder has been sent to remove their belongings, however there was no response and hence the entire building was locked and sealed and thereafter, the demolition was started.

4. In the light of the above facts and circumstances, belated compliance of the order cannot be construed as neither wilful nor wanton and on instructions would further add that it appears that almost all premises in the said stretch appeared to be unauthorised, including that of the writ petitioner.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. In the light of the submission made as well as the contents of the report of the 1st respondent, no further orders are necessary in this Contempt Petition and however, the 2nd respondent shall cause inspection of the premises in Valleeswaran Thottam, R.A.Puram, Chennai-28, including the premises of the petitioner, by putting the owners / occupiers, on notice and if the result of the inspection reveals that the superstructures are unauthorised / deviated, shall take

immediate, necessary and appropriate action in accordance with law, by also adhering to the principles of natural justice and complete the said exercise as expeditiously as possible, not later than twelve weeks from the date of receipt of a copy of this order / uploading of the order in the Website.

7. In the result, the Contempt Petition is closed, with the above observation. No costs.

Call on 28.04.2021 for filing Status Report.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sk

//Certified to be true copy//

सत्यमेव जयते

Dated at Madras this the day of 2021.

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COURT OFFICER(O.S.)

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IM/04/03/2021

To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Park Town, Chennai 3.

2.The Zonal Officer-XIII,
Corporation of Chennai,
Dr.Muthulakshmi Salai,
Adayar, Chennai 600 020.



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