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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.1327 of 2014

Mrs.L.Prema,
No.26A, Rajeswari Vedachalam Street,
Chengalpattu – 603 001

: Petitioner/Petitioner

vs.

1.A.Bhaskar
Commissioner,
Chengalpattu Municipality,
Chengalpattu,
Kancheeputam District – 603 001.

2.S.Vasumathi,
The Secretary,
Chengalpattu Co-operative House
Building Society Limited,
(Society Registration No.G1382)
Chengalpattu.

3.S.Dhanarasu,
The Director,
Town and Country Planning,
Raghavanar Street,
Chengalpattu – 603 001.

: Respondents/ Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to
punish the respondents for his willful disobedience and violation of the order dated

08.11.2013 passed by this Court in W.P.No.20926 of 2008 and thereby detain him



For Petitioner : Ms.Vasudha Thiagarajan
For Respondents : Mr.P.Srinivas for R1
Mr.M.R.Gokul Krishnan
for R2 and R3

ORDER

This petition has been filed to punish the respondents for his willful disobedience and violation of the order dated 08.11.2013 passed by this Court in W.P.No.20926 of 2008 and thereby detain him in a civil prison for a period of three months.

2.A counter affidavit has been filed by the 1st respondent. The relevant portions in the counter affidavit are extracted hereunder:

5. I submit that the present Contempt Petition has been filed regarding the alleged violation of the order dated 08-11-2013 in W.P. No.20926 of 2008. As against the said Order, this respondent had filed a Writ Appeal in W.A. No 1534 of 2014.

6. The Honourable Division Bench by its Order dated 24-11-2014 has held in para 3 as follows:

i. "The Learned Single Judge has made certain observation with regard to the site, which was earmarked for public purpose. Merely because the appellant received applications from 10 persons, who are also the occupants of the land in T.S. No 993, it cannot be said that the first respondent is also entitled to the building permit, as a matter of right. The observation made by the



appeal.

ii. The learned counsel for the respondent fairly submitted that the first respondent would be satisfied, in case a direction is issued to consider the matter on merits as per law.

iii. We give liberty to the first respondent to submit a comprehensive application for building permit. The Appellant is directed to consider the application and dispose of the same on merits and as per law. Such exercise shall be completed within a period of eight weeks from the date of the application.

iv. The intra-court appeal is disposed of as indicated as above. No costs. Connected miscellaneous petition is closed."

7. In view of the subsequent order of the Honourable Division Bench, the present Contempt Petition is not maintainable. Further the Petitioner herein has not submitted the comprehensive Application as set out by the Honourable Division Bench. Only if such an application is submitted, the same can be considered and orders can be passed on the same. Instead the Petitioner has submitted only another Building Permission application. The site in question is a site reserved as a Park in the approved layout and hence the same cannot be unilaterally sold or used for construction of buildings. The Park site is for the benefit of all people and it cannot be claimed exclusively by the Petitioner. The application of the Petitioner has been accordingly rejected by order dated 06-08-2021.



8. The Site in question in T.S. No 993 is being maintained as a open space and the applications of all the persons who had applied for permission have been rejected as the site is a Park site as per the approved Layout plan as approved by the Deputy Director of Town Planning in the layout sanctioned plan.

3.The averments made in the counter affidavit are taken into consideration and accordingly this contempt petition is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

SSR

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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

To

1.The Commissioner,
Chengalpattu Municipality,
Chengalpattu,
Kancheeputam District – 603 001.

2.The Secretary,
Chengalpattu Co-operative House
Building Society Limited,
(Society Registration No.G1382)
Chengalpattu.

3.The Director,
Town and Country Planning,
Raghavanar Street,
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