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Contempt Petition Nos.390 & 472 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2022

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

AND

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Contempt Petition Nos.390 & 472 of 2015

J.Meenakshi @ J.Meenakshi Ammal,
No.17/1, Andavar Nagar,
4th Cross Street,
Kodambakkam,
Chennai 600 024

.. Petitioner in Cont.P.No.390 of 2015

N.R.Jayanthi @ Jayanthi Ammal,
No.14/17, Andavar Nagar,
3rd Street,
Kodambakkam,
Chennai 600 024

.. Petitioner in Cont.P.No.472 of 2015

-VS-

R.Sivanesan,
No.29/8/1, Gangai Amman Koil street,
(Opp to Selvakani Stores),
Kodambakkam, Chennai 24

.. Respondent in both the Cont.Petns.

Petitions under Section 11 of the Contempt of Courts Act, 1971
praying to punish the respondent for wilful disobedience of the order of this
Court dated 06.11.2014 made in W.P.Nos.24897 & 24896 of 2014,
respectively.

For Petitioners
in both petitions

:: Mr.G.Mohanarangan

For Respondent
in both petitions

:: Mr.R.Jayaprakash



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Contempt Petition Nos.390 & 472 of 2015

ORDER

(Order of the Court was made by T.RAJA, J.)

These contempt petitions need to be closed, in view of the counter affidavit filed by the Assistant Commissioner, Zone-X, Corporation of Chennai in the Writ Petition Nos.27320 & 27319 of 2015 respectively filed by the very same petitioners, which has been enclosed in the typedset of papers filed by the respondent, stating that the respondent herein had rectified the deviated/unauthorised portion in the site in question as assured by them before the Executive Engineer, Enforcement dated 3.12.2014. The relevant portion of the said counter affidavit is extracted hereunder:-

“10. The 5th and 6th respondents had rectified the deviated/unauthorised portion in the suit site as assured by them before the EE, Enforcement dated 03.12.2014. The unauthorised/deviated portion has been demolished by the builder, the 6th respondent herein on 07.07.2015. After the demolition, the officials of Chennai Corporation inspecting the suit site on 07.09.2015 and the details are furnished below:

<i>S. N o.</i>	<i>Description</i>	<i>As per Regula rizatio n plan</i>	<i>As on site</i>
1	Front Set Back	1.48m	1.48m
2	Side Set Back 1	1.45m	1.45m
3	Side Set Back 2	1.25m 1.07m	1.25m 1.35m
4	Rear Set Back	1.04m 0.76m	1.09m 1.15m



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In future, if any deviation/unauthorised construction found, due action against the unauthorised construction will be taken as per due process of law.

11. I submit that due action has been initiated by the officials of Chennai Corporation as per the existing rules in force. The officials of Chennai Corporation are regularly inspecting the alleged site. Even the planning permission issued to the 5th and 6th respondents as per D.R. rules of second master plan of CMDA, if any, unauthorised construction carried out by the 5th and 6th respondents, further enforcement action will be initiated to demolish the unauthorized constructions for which the 5th and 6th respondents be liable for the costs and consequences arises thereof.”

2. In view of the above averments made in paragraphs 10 & 11 of the counter affidavit, these contempt petitions are closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

SS

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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GS/30/05/2022