

**Cont.P.No.1829 of 2016****R.SUBRAMANIAN, J.****AND****K.KUMARESH BABU, J.**

(Order of the court was delivered by R.Subramanian, J.)

The matter is listed under the caption “for being mentioned” today.

2.We closed the contempt. The learned counsel for the petitioner submitted that no action has been taken to demolish the deviated portion of the construction. Mr.A.R.Nixon, learned counsel appearing for the petitioner would submit that though the Commissioner has issued a demolition notice on 06.10.2022, seeking demolition of the entire building and on the same day addressed a letter to the President of Ayapakkam Panchayat requiring him to be present when the work of removal of the deviated portion is to be undertaken. According to the learned counsel, these two orders are conflicting each other. We are unable to agree with the said contention. The first notice is a notice in Section Form-1 of Section 56 which is in the form prescribed under the Act.

3.Any Enforcing Authority which enforces the development control rules has to only ensure that the deviated portion of the construction is removed, so that the construction is brought in conformity with the approved plan. The



wordings that appeared in paragraph No.4 of the notice requiring to restore the land to its condition before the development took place means that to remove the deviated portion of the construction. Therefore, we do not see any conflict between the two letters addressed by the Commissioner, Villivakkam Panchayat on 06.10.2022.

4.Learned counsel would also submit that the Panchayat has now issued a notice to the petitioner, seeking production of the approved plan. The same is not the subject matter of the Writ Petition. That may constitute a separate cause of action for the petitioner to take appropriate legal remedy.

5.Hence, we do not see any reason to reopen the contempt and the same is clarified accordingly.

(R.S.M., J.)

(K.B., J.)

04.11.2022

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