



WEB COPY



Cont. P. No.727 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.11.2022**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE K.KUMARESH BABU**

Contempt Petition No.727 of 2019

Ravi

... Petitioner

Versus

1. Mr.Senthilkumar
Block Development Officer,
Harur Division, Harur,
Dharmapuri District.

2. The Regional Director,
Town and Country Planning,
Dharmapuri Regional Office,
No.83, Pedamaneri Road,
Appavu Nagar, Dharmapuri.

3. The Secretary,
Housing and Urban Development Department,
Secretariat, Fort St. George, Chennai 600 009.

.. Respondents

Suo-motu impleaded as 2nd and 3rd respondents as
per the order of the Hon'ble Court dated 19.10.2022
made in Sub Appln. No.564 of 2022 in Cont.P.No.727 of 2019



Cont. P. No.727 of 2019

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to issue notice of contempt to the respondent and punish the respondent for contempt of Court's order passed in WP No.16178 of 2018 dated 02.07.2018.

For Petitioner : Mr.T.Panchatsaram

For Respondents : Mr.S.Silambanan
Additional Advocate Pleader
Asst. by Mr.V.Nanmaran
Additional Government Pleader
for R1

Mr.J.Ravindran
Additional Advocate Pleader
Asst. by Mr.Vadivelu Deenadayalan
Additional Government Pleader
for R1

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

The complaint of the petitioner is that the order of this Court dated 02.07.2018 made in WP No.16178 of 2018 has not been complied with. The operative portion of the said order reads as follows:

*“5. This Court, taking into consideration,
the above facts and circumstances and without going*



into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the 7th respondent to cause inspection of the petitioner's land and the superstructure if any in S.No.3/5 as well as the lands of the respondents 9 to 11 in S.No.3/1A1D2-Patta No.191, of Pachinampatti Village, within a period of six weeks from the date of receipt of a copy of this order and depending upon the result of the inspection, shall take appropriate action in accordance with law in the event of any encroachment or unauthorised construction being noted and the said exercise is to be carried out within a further period of eight weeks thereafter and the decision taken in that regard, shall be communicated to the petitioner, respondents 9 to 11 and other concerned person/s, if any.”

2. Upon issuance of notice and pursuant to our directions dated 19.10.2022, the Assistant Director of District Town and Country Planning Unit, Dharmapuri, has filed an affidavit detailing the actions taken by the



Authorities, after the order dated 02.07.2018. It is seen from the affidavit that the private respondents in the Writ Petition, viz. the owners of the land in question had obtained a planning permission for construction of a dwelling house with a plinth area of 1960 sq.feet in Survey No.3/1A1D2 of Pachinampatti Village, H.Thottompatty Village Panchayat of Harur Taluk of Dharmapuri District, from the President of the H.Thottompatty Panchayat on 12.09.2016.

3. After having obtained permission for about 1960 sq. feet, they had gone ahead and constructed a building for about 4000 sq. feet and started using it as a Kalyana Mandapam. Since there were violations of the building permission, the Block Development Officer, Harur, cancelled the permission on 02.08.2018 and also advised the building owners to approach the relevant Planning Authority for obtaining approval. Thereafter the land owners had applied before the concerned Planning Authority and after prolonged communication, the said application has also been rejected on 04.11.2022 and a lock and seal notice has also been issued to the building owners on the same day.



WEB COPY



Cont. P. No.727 of 2019

4. We thus find that the directions contained in the order of this Court dated 02.07.2018 have been complied with in their letter and spirit. Hence the Contempt Petition is closed.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)
07.11.2022

Index: Yes/No
Internet: Yes/No
Speaking order/Non Speaking order
jv



WEB COPY



Cont. P. No.727 of 2019

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.
(jv)

Contempt Petition No.727 of 2019

07.11.2022
2/2