



Cont.P(MD)No.1672 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Cont.P(MD)No.1672 of 2019

in

W.P(MD)No.20373 of 2018

and

Sub.A(MD)No.132 of 2020

and

W.P(MD)No.17157 of 2019

and

W.M.P(MD)No.13679 of 2019

Cont.P(MD)No.1672 of 2019:

S.Sivaraj

... Petitioner/Petitioner

Vs.

1.Mrs.Vijayalakshmi, I.A.S.,
District Collector,
Dindigul District,
Dindigul.

2.Mr.R.Murugesan, M.B.A., M.Phil, T.P.M.,
Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

3.Mr.Muruganantham, B.E., D.E.E.,
Member Secretary,
Kodaikanal Municipality,
Kodaikanal Local Planning Authority,
Kodaikanal,
Dindigul District.

... Contemnors/Respondents



Cont.P(MD)No.1672 of 2019

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents/contemnors for disobeying and defying the order dated 22.11.2018 passed in W.P(MD)No.20373 of 2018, on the file of this Court in accordance with law.

For petitioner	: Mr.Ram Sundar Vijayaraj for M/s.Veera Associates
For R-1	: Mr.D.Sasikumar, Additional Government Pleader
For R-2	: Mr.T.S.Mohammed Mohideen

W.P(MD)No.17157 of 2019:

S.Sivaraj ... Petitioner

vs.

- 1.The Principal Secretary to
Government of Tamil Nadu,
Department of Municipal Administration & Water Supply,
Chennai – 600 009.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.
- 4.The Member Secretary,
Kodaikanal Municipality,
Kodaikanal Local Planning Authority,
Kodaikanal, Dindigul District.



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5.Mrs.Vijayalakshmi

... respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4, to take appropriate action against the fifth respondent for the unauthorized / illegal construction in T.S.Nos.5 & 6 at Naidupuram, Kodaikanal, Dindigul District, in the light of the order of this Court in W.P(MD)No.20373 of 2018, dated 22.11.2018.

For petitioner	: Mr.Ram Sundar Vijayaraj for M/s.Veera Associates
For R-1 & R-2	: Mr.D.Sasikumar, Additional Government Pleader
For R-3 & R-4	: Mr.T.S.Mohammed Mohideen
For R-5	: Mr.V.Janakiramulu

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

Since the issue raised in the contempt petition and the writ petition is one and the same, both the writ petition as well as the contempt petition, are taken up together for hearing today and disposed of by this common order.

2. When the order was passed by a coordinate Bench in W.P(MD)No.20373 of 2019, dated 22.11.2018, the learned standing counsel appearing for the Kodaikanal Municipality, had represented that actions have



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been initiated for removal of unauthorized construction under Section 217(E)
(2) of the Tamil Nadu District Municipalities Act, 1920.

3. Alleging disobedience of the aforesaid order, dated 22.11.2018, the present contempt petition has been filed.

4. The writ petition in W.P(MD)No.17157 of 2018 has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 4, to take appropriate action against the fifth respondent for the unauthorized / illegal construction in T.S.Nos.5 & 6 at Naidupuram, Kodaikanal, Dindigul District, in the light of the order of this Court in W.P(MD)No.20373 of 2018, dated 22.11.2018.

5. Today, when the matter was called, the learned standing counsel appearing for the Kodaikanal Municipality submitted that they had by inadvertence, submitted before the coordinate Bench and the order came to be passed in the writ petition for removal of unauthorized construction under Section 217(E) (2) of the Tamil Nadu District Municipalities Act, 1920, whereas the violator had deviated from the authorised plan by putting up some construction. Subsequently, they have also passed orders regularizing the deviation.



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6. In view of the regularisation orders passed ratifying the deviations in the sanctioned plan, it cannot be said that the concerned violator had put up unauthorized construction. If at all the petitioner is aggrieved against the order regularising the deviations in the sanctioned plan, liberty is hereby granted to him to work out his remedy in accordance with law.

7. Thus, the prayer sought for in the writ petition does not deserve consideration. Accordingly, the writ petition stands closed. Consequently, connected miscellaneous petition is also closed.

8. Since the disobedience alleged by the petitioner, is not willful in nature, we are inclined to close the contempt petition. Accordingly, this contempt petition stands closed. Consequently, connected sub-application is also closed.

[M.S.R.,J.] & [R.T.,J.]
23.11.2022

Internet : Yes/No

pm



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To:

WEB COPY

- 1.The Principal Secretary to
Government of Tamil Nadu,
Department of Municipal Administration & Water Supply,
Chennai – 600 009.
- 2.The District Collector,
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Dindigul.
- 3.The Member Secretary,
Kodaikanal Municipality,
Kodaikanal Local Planning Authority,
Kodaikanal,
Dindigul District.



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M.S.RAMESH, J.
AND
R.THARANI, J.

pm

ORDER MADE IN
Cont.P(MD)No.1672 of 2019

23.11.2022