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Cont.petr.No.1580 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **30.10.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Contempt Petition No.1580 of 2023

G.Ramakrishnan

...

Petitioner

...Vs...

1. Thiru.Saravanan,
The Executive Engineer,
Corporation of Chennai,
Zone VI, Ayanavaram,
Chennai.

2. Selvi Apoorva, I.A.S.,
Principal Secretary to Government,
Housing and Urban Development Department,
Secretariat, Chennai- 600 009.

3. R.Thendral

...

Respondents

(Suo motu impleaded as Respondents
2 and 3 as per order of this Court
dated 20.09.2023)

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to
punish the Respondent for violating the order of this Court dated 25.03.2022
passed in W.P.No.6952 of 2022 by imposing maximum punishment as



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contemplated under the Contempt of Courts Act, 1971.

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For Petitioner : Mr.K.Manikandan
For Respondent : Mr.D.B.R.Prabhu (R1)
for Chennai Corporation
Mr.S.John J Raja Singh (R2)
Additional Government Pleader

ORDER

(Order of this Court was made by **S.VAIDYANATHAN, J**)

This contempt petition is filed alleging non compliance of the order passed by this Court on 25.03.2022 in W.P.No.6952 of 2022.

2. On 19.10.2023, this Court passed the following order:

"Pursuant to the statutory notice issued by this Court on 20.09.2023, R3 - Thendral appeared before this Court today and his further appearance is dispensed with for the present.

2. Though we have not summoned Mr.Murugan, I.A.S., Additional Secretary, to appear before this Court, he appeared before this Court and his presence is dispensed with for further hearings.

3. It is represented that the property of the 3rd Respondent is under lock and seal.

*4. We expect the Authority dealing with the revision under Section 80-A of the Town and Country Planning Act, 1971, to take up the the revision preferred by the third respondent, on a day-to-day basis and pass orders before **30.10.2023**. The parties are directed to appear before the Authority tomorrow*



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(20.10.2023) at 11:00 A.M. for enquiry.

4. Post on 30.10.2023."

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3. Today, when this contempt petition was taken up for hearing, the learned Additional Government Pleader appearing for the 2nd Respondent submitted that pursuant to the aforesaid order passed by this Court on 19.10.2023, the authority concerned viz., Additional Secretary (Technical), Housing and Urban Development Department, has passed an order dated 27.10.2023, in the Revision Petition filed by Thendral/the 3rd Respondent herein, under Section 80-A of the Town and Country Planning Act, 1971. He also produced a copy of the said order dated 27.10.2023 passed in the Revision Petition. For the sake of convenience, the operative portion of the said order is extracted hereunder:

"16. The objector's building is in no better position than the petitioner as the building is in deviation to the approved plan in respect of ground floor and unauthorized construction in respect of first floor. Since the land of the objector is a corner plot a front setback of 1.0m is to be left on the north and eastern sides, which has not been provided. In many such similar cases the Hon'ble High Court has directed the authorities to take action on the approved plan. Hence, Greater Chennai Corporation is directed to pursue further action against the building of the objector Thir.G.Ramakrishnan under the provisions of Tamilnadu Town and Country Planning Act, 1971.

17. The revision petition filed by Thiru.R.Thendral under section 80A of Town and



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Country Planning Act,

S.VAIDYANATHAN, J.

AND

SATHI KUMAR SUKUMARA KURUP, J.

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*1971 for the building put up at No.1, Egangipuram
Main Street, Chennai-600 012 is disposed accordingly."*

4. Since the revision petition filed by the 3rd Respondent herein under Section 80-A of the Town and Country Planning Act, 1971, has been disposed of vide order dated 27.10.2023 with a direction to the Greater Chennai Corporation to pursue further action against the building of the objector/petitioner herein, nothing survives for adjudication in this Contempt Petition.

Hence, this Contempt Petition stands closed with liberty to the petitioner to challenge the aforesaid order dated 27.10.2023, in the manner known to law, if so advised.

[S.V.N,J.] [S.S.K,J.,]

30.10.2023

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