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Cont.P.No.1836 of 2022

In the High Court of Judicature at Madras

Dated : 09.11.2023

Coram

The Honourable Mr.Justice S.VAIDYANATHAN

and

The Honourable Mr.Justice G.K.ILANTHIRAIYAN

Contempt Petition No.1836 of 2022
& Sub.A.No.130 of 2023

M.J.Uday

...Petitioner

Vs.

1.Thiru S.Muthusamy, Chairman,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan
Building, No.1, Gandhi Irwin Road,
Egmore, Chennai-8.

2.Mrs.Nirmala
3.Mrs.Maya
4.Mr.K.Sekar
5.Mr.K.Suresh
6.Mr.K.Pratap
7.Mrs.Sandhya Mohan
8.Mrs.S.Pavithra

(Suo motu impleaded as R2 to R8 as per
the order of this Court dated 02.12.2022
by SVNJ & GKIJ)

...Respondents

CONTEMPT PETITION to punish the respondents for wilful
disobedience of the final order passed in W.P.No.1144 of 2018 dated
31.1.2020.

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For Petitioner : Mr.Om Prakash, SC assisted by
Mr.S.Ganesh for Mr.G.Vijayanand

For Respondent-1: Mr.P.Kumaresan, AAG assisted by
Mr.C.Vinobha, Standing Counsel

For R2 & R3 : Mr.S.Charles

For Respondents
4 to 8 : Mr.P.S.Raman, SC for
M/s.Raman Associates

ORDER
(by S.VAIDYANATHAN,J)

This is a petition filed by the petitioner seeking to punish the respondents for wilful disobedience of the order of this Court dated 31.1.2020 in W.P.No.1144 of 2018

2. Heard the learned Senior Counsel appearing on behalf of the petitioner, the learned Additional Advocate General, assisted by the learned Standing Counsel appearing for the first respondent and the learned Senior Counsel appearing on behalf of respondents 2 to 8.

3. When the matter is taken up for hearing, the learned Senior Counsel appearing on behalf of respondents 2 to 8 would submit that their family members have decided to make an application for demolition and reconstruction of the building and that they require six



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months' time so as to enable M/s.Apollo Hospital Enterprises Limited, which is the tenant to vacate and hand over possession. He would further submit that the building is 55 years old and that the tenant may also be accommodated after reconstruction of the building.

4. The learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has no objection for the family members of respondents 2 to 8 to make an application for demolition and reconstruction. However, the grievance of the petitioner is that at least his mother in law may be called for negotiations for arriving at a settlement.

5. Both the learned Senior Counsel would also submit that the matter may be referred to a mediator, so that the issue can be given a quietus without any further delay.

6. Taking note of the submissions made by the learned counsel on either side, we close the contempt petition. Consequently, the connected Sub-Application is also closed.



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7. However, liberty is granted to the family members of respondents 2 to 8 and the mother in law of the petitioner to make an application before the appropriate Authority for demolition and reconstruction and if such an application is made, the same shall be scrutinized and permission may be granted within a period of one month from the date of receipt of the application. After such permission is granted and on payment of necessary charges in accordance with the relevant Rules, it is open to the parties to construct the building only in accordance with the approved building plan. Till such time the orders are passed by the Authority concerned, interim protection is given to the parties concerned to continue in the existing building. We expect both the petitioner's mother in law as well as respondents 2 to 8 to make an application within a period of two months from the date of receipt of a copy of this order.

8. Since both the learned Senior Counsel appearing for the parties submits that the matter may be referred to mediation, the parties are at liberty to approach Mr.Justice V.Parthiban, Retired Judge of this Court for arriving at an amicable settlement and such exercise shall be completed within a period of three months from the date of



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initiation of mediation. The remuneration of the Mediator shall be paid by the family members of respondents 2 to 8 including the petitioner's mother in law. If the petitioner's mother in law is reluctant, respondents 2 to 8 can pay the charges and adjust it from the petitioner's mother in law, if she is entitled to any share.

09.11.2023

RS



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AND
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