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Cont. Petn. No.2422 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM:

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN
AND
THE HON'BLE MR. JUSTICE K. KUMARESH BABU

Cont. Petn. No.2422 of 2023

A. Chandra

Petitioner

v

1 Mr. Balakumar
Executive Engineer
Zone-XI
Greater Chennai Corporation
Arcot Road
Valasaravakkam, Chennai 600 087

2 Mr. Ramachandran
Junior Engineer
Division 152, Unit – 33, Zone – XI
Greater Chennai Corporation
Arcot Road
Valasaravakkam, Chennai 600 087

3 Mr. Vijayabhaskar
Assistant Executive Engineer
Unit – 33, Zone – XI
Greater Chennai Corporation
Arcot Road
Valasaravakkam, Chennai 600 087

Respondents



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Contempt Petition filed under Section 11 of the Contempt of Courts

Act seeking to punish the respondents for committing contempt of Court by wilfully disobeying the order dated 18.11.2022 passed by this Court in W.P.No.27150 of 2019.

For petitioner Mr. D. Yogeswaran

ORDER

(made by R. SUBRAMANIAN, J.)

This contempt petition has been filed alleging noncompliance of the order dated 18.11.2022 passed by this Court in W.P. No.27150 of 2019.

2 The operative portion of the aforesaid order reads as under:

“7. There is also a direction to the Corporation to take proper action to demolish the unauthorised portion. In fact the Original Owner, viz. the fifth respondent had taken a plea that the builder has sold portions of the land without her knowledge, that is a question that is to be decided in the Civil suit. The fact that the Original owner fifth respondent entered into a Joint Development Agreement with the sixth respondent is admitted. The said Joint Development Agreement provides for construction of stilt, ground plus two floors. Therefore, we have very great suspicion in accepting the claim of the land owner that she was unaware of anything. However, considering the fact that the Government has not taken note of the fact that at least one flat belonging to one of the petitioners is situate within the approved area. We set aside the order of the Government and permit the petitioners to file applications under Sub Section 3 of Section 56 of the Tamil Nadu Town and Country Planning Act, seeking retention of the building. The Authority will consider the same in the light of the Prevailing



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Development Control Rules. If the building is permissible as per the Prevailing Development Control Rules, no further enforcement action shall be taken till the conclusion of the Civil dispute between the parties.”

3 We do not see any positive direction in the aforesaid order, which has been disobeyed.

Hence, this contempt petition is dismissed with liberty to the petitioner to seek appropriate remedy as may be available to him under law.

(R.S.M., J.) (K.B., J.)
12.12.2023

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R. SUBRAMANIAN, J.

and

K. KUMARESH BABU, J.

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