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Contempt Petition No.1142 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2023

Coram

The Honourable Mr. Justice **S.VAIDYANATHAN**
and

The Honourable Mr. Justice **S.SOUNTAR**

Contempt Petition No.1142 of 2023

P.Sundar

.. Petitioner

VS

Thiru Anshul Mishra I.A.S.
The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarasan Maligai
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008.

..Respondents

Contempt Petition filed under Section 11 of the Contempts of Courts
Act, to punish the Respondent for violating the Common Order of this Court
dated 11.04.2022 passed in W.P.No.620 of 2022.

For Petitioner

Mr.R.Sreerangan

For Respondents

: Mrs.P.Veena Suresh
for CMDA



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ORDER

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

Today, when the matter was taken up for hearing, it was represented by the learned counsel for the Respondent that an application filed by the violators under Section 113-C of Town and Country Planning Act, 1971 (in short 'the Act') is still pending.

2. In view of the same, the Respondent shall take a decision on the application filed under section 113-C of the Act, as expeditiously as possible, in case there is no impediment / interim order to do so. The Authority is directed to conduct enquiry/proceedings on a day-to-day basis, without adjourning the matter beyond seven working days at any point of time to bring the issue to a logical end. We are informed that several Applications under Section 80-A are pending for years even after the orders of this Court. In appropriate cases, if Contempt is filed, and in case, there is wilful and deliberate disobedience, this Court will impose imprisonment, and imposition of fine shall be secondary, to make the officials to work, and to comply with the orders of this Court within the time granted.



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3. Further, we direct the officials to adhere to the decision in W.P.(MD) No. 16120 of 2023, dated 30.08.2023 (N.Sankar v. The Principal Secretary, Town and Country Planning, Government of Tamil Nadu and three others) to avoid disciplinary proceedings being initiated against them.

4. With the above observations, this Contempt Petition stands closed. However, the petitioner is at liberty to seek his remedy before the appropriate forum in the manner known to law.

(S.V.N.,J) (S.S.,J)
24.08.2023

arr

To

Thiru Anshul Mishra I.A.S.
The Member Secretary,
Chennai Metropolitan Development Authority (CMDA)
Thalamuthu Natarasan Maligai
No.8, Gandhi Irwin Road,
Egmore, Chennai-600 008.



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and
S.SOUNTHAR, J.

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and
S.SOUNTHAR, J.

This matter is listed today under the caption "for being mentioned".

2.This contempt petition was closed vide order dated 24.08.2023, on a perusal of which, we are of the view that paragraph 3 therein, shall read as under:

"3. Further, we direct the officials to ensure that there are no encroachments and if any building is constructed, the same shall be in accordance with the plan."

Registry is directed to issue fresh order copy to the learned counsel for the petitioner after carrying out the aforesaid amendment.

(S.V.N., J.) (S.S., J.)
03.11.2023

arr