



Cont.P.No.997/2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Cont.P.No.997/2018

P.Marimuthu

... Petitioner

Vs.

1.K.Mukaiya

The Deputy Director
Directorate of Town and Country
Planning, Salem Region,
6, Sannathi Street, Subramania Nagar
Sooramangalam, Salem.

2.K.Kannan B.Sc.

The Commissioner
Attur Municipality
Municipality Office
Attur, Salem District.

3.N.K.Ramakrishnan

S/o.Kandasamy
SF.No.467/2,3,2A,4B,7B
Ward D Block 7, 9 TS.No.4/2B, 35/2
Udayarpalayam, Salem-Cuddalore Road



Cont.P.No.997/2018

Attur, Salem District.

... Respondents

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Prayer : Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondents for non compliance of the order dated 04.08.2017 passed in WMP.No.21373/2017 in WP.No.19792/2017 by this Court.

For Petitioner	: Ms.S.Yogalakshmi
For R1	: Mr.S.John J.Raja Singh,AGP
For R2	: Mr.B.Anand, Standing Counsel
For R3	: Mr.Surya Senthil for M/s.Surana & Surana

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present contempt petition has been filed by the petitioner to punish the respondents for willfully disobeying the order of injunction granted by this Court in WMP.No.21373/2017 in WP.No.19792/2017.
- (2)The petitioner filed WP.No.19792/2017 for issuance of a writ of mandamus to direct the 1st respondent herein / 2nd respondent in the writ petition to initiate proceedings against the illegal construction of building by the 3rd respondent herein/4th respondent in the writ petition in



Cont.P.No.997/2018

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SF.No.467/2,3,2A,4B,7B, Ward D Block 7, 9 TS.No.4/2B, 35/2, Udayarpalayam, Salem-Cuddalore Main Road, as per Section 56 and 57 of the Town and Country Planning Act, 1971 and pending writ petition, he also sought for an order of interim injunction restraining the 3rd respondent herein from making any construction in the said land, contrary to the approved Building Plan.

(3) This Court, vide order dated 04.08.2017, granted an order of interim injunction after recording the fact that the 3rd respondent herein, in violation of the Building Plan Approval, has commenced construction of a huge shopping complex consisting of Ground + 4 Floors. The stand taken by the 3rd respondent / contemnor is that he has not put up any construction after the order of injunction. He further submitted that the writ petition itself was disposed of. Based on the Report of the Advocate Commissioner to the effect that the entire construction proposed and constructed by the 3rd respondent herein is in accordance with the Building Plan Approval, it is pointed out that the writ petition filed by the 3rd respondent herein, challenging the proceedings of Town and Country Planning Authorities, for unauthorised construction was allowed by this



Cont.P.No.997/2018

Court in WP.No.15278/2021 by order dated 04.09.2023.

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- (4) Now, the only question to be decided in this contempt petition is whether the 3rd respondent has done anything in willful violation of the orders passed by this Court on 04.08.2017?
- (5) The petitioner is unable to demonstrate before this Court that the 3rd respondent herein had put up any further construction pursuant to the order of interim injunction granted by this Court, pending disposal of the writ petition.
- (6) As pointed out earlier, writ petition in WP.No.15278/2021 was filed by the 3rd respondent herein, challenging the order of the 3rd respondent therein, namely, the Commissioner, Directorate of Town and Country Planning, passed under Sections 56 and 57 of the Town and Country Planning Act, 1971. The 3rd respondent herein also brought to the notice of this Court that an Advocate Commissioner was appointed to find out whether the building constructed and proposed is in violation of any Building Rules. The Advocate Commissioner stated that there is no violation of any Building Rules. It is in the said circumstances, the writ



Cont.P.No.997/2018

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petition filed by the 3rd respondent herein in WP.No.15278/2021 to quash the proceedings initiated by the Commissioner, Town and Country Planning, was allowed.

(7)It is also admitted now before this Court that the writ petition filed by the petitioner herein was closed. In the said circumstances, in the absence of any materials to substantiate the contention of the petitioner that the 3rd respondent / contemnor has put up any construction in violation of the order of injunction granted by this Court on 04.08.2017, this Court is unable to entertain this contempt petition as no contempt is made out by the petitioner herein.

(8)Hence, the contempt petition is **closed**.

[S.S.S.R., J.] [S.M, J.]
02.11.2023

AP

Internet : Yes



Cont.P.No.997/2018

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To

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Cont.P.No.997/2018

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and
SUNDER MOHAN, J.,

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