



Cont.petr.No.1826 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **25.09.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MRS.JUSTICE R.HEMALATHA

Contempt Petition No.1826 of 2023

R.Sarangapani

...

Petitioner

...Vs...

R.AlaguMeena I.A.S.

The Commissioner

Tambaram City Municipal Corporation,

Tambaram, Chennai.

...

Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent herein for wilful disobedience of the order dated 23.12.2022 passed in W.P.No.34765 of 2022.

For Petitioner : Mr.P.Balamurali
For Respondents : Mr.P.Srinivas
Standing counsel

ORDER

This contempt petition is filed alleging non compliance of the order passed by this Court on 23.12.2022 in W.P.No.34765 of 2022.



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2. Today, when the contempt petition was taken up for hearing,

Mr.P.Srinivas, learned counsel appearing for the Respondent has produced a communication of the Respondent dated 16.02.2023, addressed to the 4th Respondent in the Writ Petition, wherein the Respondent, by pointing out various violations in respect of building in question, has given 30 days time to secure compliance with the planning permission/ with the conditions of permission by demolishing/altering the building and in case of non compliance, appropriate action will be taken. For the sake of convenience, the relevant paragraphs of the said communication is extracted hereunder:

"You are required to secure compliance with the planning permission/with the conditions of the permission by Demolishing/altering the building within 30 days from the date of receipt of this notice.

If the compliance of the permission has not been secured within the specified period. appropriate action will be taken under sub-section (5) of section 56 of Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972) for Demolition or alteration of any building or works out of any building or other operations as it may consider necessary,without any further notice.

You are also requested to discontinue the use of the building within 30 days from the date of receipt of this notice.

If the owner or occupier has not discontinued the use of land or building within a specified period, appropriate action under sub-section (2-A) of Section 56 of the said act will be initiated by locking and sealing of the subject premises."



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3. The learned counsel for the Respondent further submitted that as against the aforesaid communication dated 16.02.2023, Appeal has been preferred by the 4th Respondent in the Writ Petition, before the authority under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972).

4. In view of the same, the Authority concerned shall take up the matter on a day-to-day basis, without adjourning the matter beyond five working days, at any point of time, in order to bring the issue to a logical end. It is made clear that in case of non production of planning permission within the time stipulated by the Respondent vide communication dated 16.02.2023, the building can be kept under lock and seal and no activity shall take place in the building.

With the above direction, this Contempt Petition stands closed.

[S.V.N,J.,] [R.H,J.,]
25.09.2023

arr



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**S.VAIDYANATHAN, J
and
R.HEMALATHA, J**

arr

To

R.AlaguMeena I.A.S.
The Commissioner
Tambaram City Municipal Corporation,
Tambaram, Chennai.

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