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Cont.P.No.2005 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2023

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cont.P.No.2005 of 2022
in W.P.No.16065 of 2021

P.Balakrishnan ... Petitioner / 7th Respondent

-VS-

1. V.Prakash ... Respondent / Petitioner

2. The Member Secretary,
Tiruppur Local Planning Authority,
Kumaran Commercial Complex,
1st Floor, Corporation Building,
Near Railway Station,
Tiruppur-641 601, Tiruppur District. ... 2nd Respondent

(R2 suo motu impleaded vide order dated 23.09.2022)

Prayer: The contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 to punish the Respondent for contempt of court in wilfully and deliberately disobeying the orders passed by this Hon'ble Court in W.P.No.16065 of 2021 dated 03.08.2021.

For Petitioner : Mr.P.Suresh Babu
For M/s.Achari and Antoni Associates

For R2 : Mr.A.Selvendran
Spl. Govt. Pleader

For R1 : Ms.P.Elakkiya
For Mr.P.J.Sri Ganesh

ORDER



Cont.P.No.2005 of 2022

This contempt petition has been filed for punishing the respondents for having not obeyed the interim order of this Court dated 03.08.2021 passed in W.P.No.16065 of 2021.

2. The present petition has been filed by the 7th respondent in the Writ Petition to punish the Writ Petitioner, who is the 1st respondent herein for disobeying the orders of this Court.

3. This Court, after hearing the parties, had passed the following interim order:

"The Petitioner is the owner of the property to an extent of 4.92 acres in Patta No.414, S.F.No.201/2 at Kaniyampoondi Village, Avinashi Taluk, Tiruppur regarding which an agreement was entered into between the Petitioner and the Seventh Respondent to sell the said property. The Seventh Respondent has been put in possession of the said property after payment of Rs.43 Lakhs out of 5.50 Crores. However, taking into advantage of his possession of the property, without paying the balance amount, the Seventh Respondent was putting up construction without any approved plan in the said property which is evident from the photographs filed before this Court.

2. A perusal of the records especially the settlement deed dated 14.08.2018 would show that the Petitioner is the owner of the property and he entered into an agreement with the Seventh Respondent. Further, the Information received through Right To Information Act on 17.03.2021 from the Block Development Office, Avinashi would prove that there is no approval obtained by any person to put up construction in the said property. Therefore, prima facie, the construction made by the Seventh Respondent appears to be without any approval.

3. Even though no Petition has been filed by the Petitioner for an interim injunction or stay or status quo, in view of the above said



WEB COPY



Cont.P.No.2005 of 2022

facts and circumstances, this Court, suo motu, grants an order of status quo to be maintained by all the parties.

4.Mr.P.Balathandayutham, Learned State Government Counsel takes notice on behalf of the Respondents 1 to 5. Notice to the Respondents 6 and 7 returnable in four weeks. Private notice including e-mail, courier, whatsapp and speed post is also permitted.

Call the matter after four weeks."

4. On a reading of the above interim order of this Court, it appears that the dispute is of private in nature between the petitioner and the 1st respondent herein. The fact remains that there was an agreement between the owner of the property / 1st respondent herein and the petitioner herein in respect of sale of the property and the petitioner herein, after paying a paltry sum of money and taking advantage of the possession, attempted to put up a construction without any planning permission that was thwarted by the 1st respondent herein by way of filing a Writ Petition.

5. After going through the entire records, it is apparent that the Writ Petitioner is trying to arm twist the Contempt Petitioner. Of course, no building can be constructed without a valid plan or in violation of the plan and the Officials have already demolished the building, which has been constructed not in accordance with the plan. It is brought to our attention that even though an order of Status Quo has been ordered by this Court, the Writ Petitioner has also

S.VAIDYANATHAN,J.,
and
T.V.THAMILSELVI,J.,



Cont.P.No.2005 of 2022

WEB COPY

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attempted to dilute the said order by way of putting a construction without any
plan.

6. We are of the view that both the Writ Petitioner and Contempt Petitioner are taking the Court for a ride, which is highly condemnable and the present Contempt Petition is liable to be dismissed with costs on both the parties for their mischievous attitude and scant regard for the Court's order.

7. Accordingly, this Contempt Petition is dismissed with a direction to the Writ Petitioner / 1st Respondent herein and the Contempt Petitioner herein to pay costs of Rs.1,00,000/- (Rupees One Lakh only) each to the Cancer Institute, Adyar, Chennai-600 020, within a period of two weeks from the date of receipt of a copy of this order. In addition to the above, the parties, namely, Writ Petitioner and Contempt Petitioner shall jointly pay the amount incurred by the 2nd Respondent herein for demolishing the illegal construction put up by the Contempt Petitioner.

[S.V.N,J.,] [T.V.T.S,J.,]

14.03.2023

Index: Yes / No

Internet: Yes / No

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Cont.P.No.2005 of 2022
in W.P.No.16065 of 2021