



WEB COPY

Cont. Petn. No.1843 of 2



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.1843 of 2023

Abbotsbury Owners Association
represented by its President
Ramadurai Ravichandran
No.74/42, C.P. Ramasamy Road
Alwarpet
Chennai 600 018

Petitioner

v

1 Mr. Anshul Mishra
Member Secretary
Chennai Metropolitan Development Authority
Gandhi Irwin Road
Egmore
Chennai 600 008

2 R. Sriram @ Rajivakshan

3 V. Jaggannathan
Managing Director
Ramaniyam Real Estates Ltd.
“Shruthi”, No.11, II Main Road
Gandhi Nagar
Adyar
Chennai 600 020

Respondents



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 20.01.2023 passed by this Court in W.P.No.5765 of 2020.

For petitioner Mr. N. Muralikumaran
for M/s. MCGAN Law Firm

For R1 Mr. P. Kumaresan, Addl.Adv. General
assisted by
Mrs. P. Veena Suresh, Standing Counsel

ORDER

(made by R. SUBRAMANIAN, J.)

This contempt petition has been filed alleging noncompliance of the order dated 20.01.2023 passed by this Court in W.P. No.5765 of 2020.

2 We are now informed that the possession of the non-FSI area has been handed over to the association of flat owners/petitioners in the writ petition. Handing over was done only after notice was issued in the contempt petition.

3 In order to find out the reason for the delay, we had required the first respondent, viz., the Member Secretary, Chennai Metropolitan



Development Authority (the C.M.D.A.) to be present before us today.

4 A compliance report dated 29.09.2023 has been filed by the first respondent, wherein, it is stated that pursuant to the orders of this Court dated 28.03.2017, the premises was de-sealed to enable the tenant, viz., Sabari Supermarket Private Ltd., to remove the goods belonging to them and thereafter, it was not re-sealed, since it was not used for any other purpose. The C.M.D.A. was conducting periodical inspection of the area and ensured that it was not put to any other use.

5 However, we must point out that this factum of de-sealing was not brought to our notice when we disposed of the writ petition. We place on record, our sincere appreciation for the Member Secretary, C.M.D.A., for having, at least, complied with our order on the builder graciously handing over possession to it.

Now that the possession has been handed over, we close this contempt petition.

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

cad



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R. SUBRAMANIAN, J.

And

K. KUMARESH BABU, J.

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