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Cont P No.2519 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Cont.P.No.2519 of 2022

G.Lakshmi Narayanan

.....Petitioner/Petitioner

Vs.

Thiru Savana Velraj
Director of Town and Country Planning
CMDA Office complex,
Koyambedu,
Chennai 107

.... Respondent/1st Respondent

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for his wilful disobedience of the orders of this Court made in W.P.No.16952 of 2022, dated 29.08.2022.

For Petitioner :	Mr.R.Singaravelan Senior counsel
For Respondents :	Mr.J.Ravindran Additional Advocate General Assisted by Mr.P.Sanjay Gandhi, Government Advocate



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ORDER

When the matter came up for hearing on 20.02.2023,
this Court passed the following order :-

This case has a checkered history. Previously, the petitioner filed W.P.No.20589 of 2021 for a mandamus to direct the 1 st and 3 rd respondents to consider the case of the petitioner and to pass orders on the recommendation letter of the 5 th respondent in Na.Ka.No.459/14/F2 dated 20.05.2014 with regard to granting plan approval for construction of commercial complex in Cuddalore Municipality Ward No.6 Block No.24 T.S.No.787/1b to the extent of 24 907 sq.ft. W.P.No.20589 of 2021 was ordered on 27.09.2021. Pursuant to the aforesaid directions of this Court, the first respondent herein had issue a impugned communication dated 19.04.2022 which was impugned in W.P.No.16952 of 2022. This Court vide order dated 29.08.2022



disposed the said writ petition with the following directions:-

“5.In view of the impugned order, it is noticed that the impugned order has referred to the Coastal Regulation Zone Notification 2011 though as on date, the Coastal Regulation Zone Notification 2019 has come into force. The petitioner has been chasing the respondents for approval since 2013.

6.Considering the fact that the new Coastal Regulation Zone Notification is in force and any development in the land will have to comply with the requirements of the new Rules read with Tamil Nadu Combined Development Rules, 2019, I am inclined to quash the impugned order and remit the case back to the first respondent to pass a fresh order within a period of 30 days. Needless to state, the petitioner shall be heard before passing such order.”

2.Today, when the case was taken up for hearing, the



learned Government Advocate for the respondent submits unless the petitioner complies with the requirement of G.O.Ms.No.56 Housing and Urban Development (UD-3(2) Department dated 18.04.2022, the application of the petitioner cannot be considered. He further submits that on an earlier occasion by communication dated 02.01.2023 bearing reference Na.Ka.No.14640/2022/TCP-9, the first respondent called upon the petitioner to comply with the requirements of G.O.Ms.No.56, Housing and Urban Development (UD-3(2) Department dated 18.04.2022 and to come for a personal hearing on 06.01.2023. However, the petitioner failed to come for a hearing. It is therefore, submitted that there is no merits in the present contempt petition. There is no merits in asking the petitioner to re-do the exercise once again in compliance with the G.O.Ms.No.56, Housing and Urban Development (UD-3(2) Department dated 18.04.2022, as there is a



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clear direction in the order passed by this Court on an earlier occasion in W.P.No.20589 of 2021 dated 27.09.2021 and in the order passed on 29.08.2022. The respondents are therefore directed to comply with the order by passing appropriate orders on merits based on the available records that were available prior to passing of the order dated 27.09.2021 in W.P.No.20589 of 2021. 3.List this case after four weeks.

2. The matter once again came up for hearing on 13.04.2023 and this Court passed the following order :-

This Court has gone through the proceedings of the respondent dated 05.04.2023. According to the learned Government Advocate, this proceedings is in compliance with the order passed in the writ petition.

2. On going through the proceedings of the respondent dated 05.04.2023, it is seen that there is



absolutely no difference between the earlier order that was passed on 19.04.2022 and the present order that has been passed on 05.04.2023. On the face of it, the order passed by the respondent amounts to contempt, since it is not in compliance with the earlier orders passed by this Court. '

3. *Mr.P.Sanjay Gandhi, learned Government Advocate seeks time to take instructions from the respondent. Post this case under the same caption on 24.04.2023 at 2.15 p.m.*

3. Mr.J.Ravindran, learned Additional Advocate General appearing on behalf of respondent submitted that the writ petition was disposed of by this Court on the premise that 2019 notification had come into force. However on verification, it was ascertained that the 2019 notification has not come into force. In view of the same, the learned Additional Advocate General submitted that he has already advised the respondent to withdraw the order passed on 05.04.2023 and to file a review petition in the writ petition and bring to the notice of this Court the fact that 2019 notification has not come into force.



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