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Cont.Petn.No.2671 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MR.JUSTICE P. DHANABAL**

**Cont.Petn.No.2671 of 2023**

M.D.Lokeswari

... Petitioner

Vs.

Anshul Mishra, IAS, Member Secretary,  
Chennai Metropolitan Development Authority,  
Thala Muthu Maligai, Egmore,

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Court to punish the respondent for wilful disobedience and contempt of the order dated 15.06.2023 passed in W.P.No.17682 of 2023 by this Court.

For petitioner : Mr. A.B.Fathima Sulthana

For Respondent : Mr.P.Kumaresan, Additional Adv.General

for Mr.V.Sudalaiselvan,

Standing counsel

Mr.VigneshVenkat,

Counsel for respondents 4 to 7 in

W.P.No.17682/2023



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ORDER

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(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This contempt petition has been filed to punish the respondent for disobeying the order passed by this Court in W.P.No.17682/2023, dated 15.06.2023.

2. According to the petitioner, she is the owner of the part of the II floor portion of the property in question and she had filed the above said writ petition, seeking direction to the authorities concerned to remove the unauthorized construction put up by the respondents concerned in the basement, common passage, IV floor and V floor at Door No.5 and 6, Indira Arcade, Prakasam Road, T.Nagar, Chennai-17.

3. While disposing the writ petition, this court has directed the authorities concerned to consider the representation of the petitioner herein dated 21.04.2023 and pass orders on its own merits and in accordance with law, after affording opportunities to both the parties, within a period of 12 weeks from the date of receipt of a copy of the order. Now the present contempt petition has been filed against the respondent/ Member Secretary,



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CMDA for non compliance of the order passed in the above writ petition.

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4. The learned Additional Advocate General submitted that, pursuant to the order passed by this Court in the writ petition as stated supra, the authorities concerned had issued notice to the parties concerned for appearing before them. Subsequently, after inspecting the property and also considering the relevant records, the Member Secretary, CMDA, Egmore has passed the final order, dated 10.11.2023, informing that the works of unauthorized additional construction mentioned therein, to be retained, as per approved plan, within 30 days from the date of receipt of the notice. He further submitted that, since the regularization application is pending in CMDA for basement floor + ground floor + IV floor, notice under the Tamil Nadu Town and Country Planning (Removal of unauthorized Development) Rules, 2022 was also issued to the petitioner on 10.11.2023 for compliance of the setback, as per planning permission, in respect of unauthorized development carried out, in contravention to the planning permission, to remove toilet, gen set, Hydraulic lift, steel truss roof, A/c outlet fans in the setback, materials kept in the staircase portion, steel advertisement hoarding



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in the V floor. In this regard, he has also filed a status report; copy of the above said final order dated 10.11.2023; and the notice dated 10.11.2023 sent to the petitioner. As such, the representation of the petitioner was considered and appropriate final order has been passed, thereby, the order passed by this court in the writ petition was complied with. Therefore, he seeks to close the contempt petition.

5. Mr.Vignesh Venkat, learned counsel for the respondents 4 to 7 (G.Sathyanarayana Bhootra and 3 others) in W.P.No.17682/2023 submitted that, the above respondents are the owners of the UDS and respective portions of a commercial building in the property in question. He further submitted that, as per the order dated 28.03.2018, passed by this Court in W.P.No.21661/2017, which was filed by the father of the petitioner herein, they have removed the 5th floor as well as the basement internal partitions in the property and they have also applied for the regularization of the other deviations under Section 113(3) of the Tamil Nadu Town and Country Planning Act. He also submitted that, since the above respondents in the writ petition are the owners of the UDS and respective portions of a



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commercial building situated in the property in question, they are intending to implead themselves as parties to the present contempt petition.

6. It is to be mentioned that, in compliance to the order passed by this Court in W.P.No.17682/2023, dated 15.06.2023, the respondent has passed the final order, dated 10.11.2023. Therefore, if the petitioner as well as the other parties, who are having right/interest over the property, are aggrieved by the above said final order, they are at liberty to challenge the same, in the manner known to law.

7. Accordingly, this contempt petition is closed.

**(D.K.K.J.)                      (P.D.B.J.)**

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