



Cont.P.No.215 of 2023

**WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 28.02.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

**Cont.P.No.215 of 2023**  
**and Sub-Application Nos.66 and 121 of 2023**

1. Kandasamy
2. Saranya

... Petitioners

Vs

Mr.T.Murugan, B.E.,  
The Member Secretary – Joint Director  
Coimbatore Local Planning Authority,  
Office of Local Planning Authority,  
Corporation Commercial Complex,  
Dr.Nanjappa Road, Coimbatore – 641 018.

... Respondent

**Prayer:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for their act of willful disobedience of order dated 20.04.2022 in W.P.No.9594 of 2022.

For Petitioners : Mr.C.R.Prasanan  
For Respondent : Mr.B.Vijay  
Additional Government Pleader



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**ORDER**

A counter is filed by the respondent, wherein, at paragraph Nos.5 and 6 they state as follows:

'5. I submit that the then Joint Director, Local Planning Authority had inadvertantly passed an order dated 04.08.2022 without issuing notice of hearing to the private Respondent and the Petitioner, I submit that I tender my sincere apologies for passing of a fresh order without providing opportunity of hearing to the petitioner and private Respondent as directed by this Hon'ble Court, the action of the then Official Respondent is neither willful nor wanton.

6. I crave leave of this Hon'ble Court to recall the fresh order dated 04.08.2022 made in proceedings na.Ka.No.7320/2021/LPA and to pass fresh order strictly in terms of direction of this Hon'ble Court in letter and spirit. I state that I am tendering an unconditional apology for passing an order in deviation of direction of this Hon'ble Court.'

2. In view of the apologies tendered for violation of order dated 20.04.2022, which specifically require the official respondent to hear the petitioner prior to passing of orders afresh, no further orders are necessary in this Contempt Petition.

3. Order dated 04.08.2022 becomes non-est in law by virtue of the recall of the same by the respondent. A period of four (4) weeks is granted to the



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respondent to issue notice, call upon the petitioners, hear them and pass orders afresh. With this, the Contempt Petition is closed.

4. Sub-Application No.121 of 2023 is filed alleging contempt by the private respondents, i.e., R2 in the Writ Petition, who has proceeded to encumber the property at Plot No.8, S.No.110/2A9, Palm Valley, Chettipalayam, Perur by way of sale deed executed on 03.02.2023.

5. The direction issued to the private respondent was effective only till fresh proceedings were taken and fresh proceedings have been taken on 04.08.2022, albeit withdrawn now.

6. Thus, the remedy of the petitioner is not by way of contempt, though clearly by virtue of order dated 04.08.2022 there has been a great deal of confusion that has been caused by the official respondent. The petitioner is granted liberty to take such action as may be appropriate in accordance with law to secure their interests in regard to the alienation that has been alleged now. The clock cannot be put back in this Contempt Petition qua the alienation that has already been effected.



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7. In view of the fact that order dated 04.08.2022 now been recalled, the private respondent in the Writ Petition will continue to be bound by the directions issued in order dated 20.04.2022 till such time fresh proceedings are

**Dr.ANITA SUMANTH,J.**

completed by the official respondent. No costs. Connected Sub-Application is closed.

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**28.02.2023**

Index : Yes / No

Speaking Order

Neutral Citation : Yes

**Note: Registry is directed to issue this order on or before 02.03.2023.**

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**and Sub-Application Nos.66 and 121 of 2023**