



WEB COPY



Cont P No.2904 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P. DHANABAL

**Cont P No.2904 of 2023**

K.Rajamanickam

... Petitioner

vs

Mrs.Malarvizhi

The Block Development Officer,  
O/o the Block Development Office  
Alamedu, Pallipalayam Post,  
Kumarapalayam Taluk,  
Namakkal District -638006.

... Respondent

**PRAYER:** Contempt Petition filed to punish the respondent for not complying and disobeying the order passed in WP No.10066 of 2023 dated 07.06.2023.

For the Petitioner :Mr.G.Munuraj

For the Respondent :Mr.P.Balathandayutham  
Special Government Pleader



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## **ORDER**

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

The Contempt Petition is filed to punish the respondent for not complying with and disobeying the order in WP No.10066 of 2023 dated 07.06.2023.

2. According to the petitioner, he has filed the writ petition in WP No.10066 of 2023 before this court for a direction to the third respondent to demolish the construction made in lands in S.F.Nos.6/1D, 6/1E and 6/2 of Kadachanallur Village, Kumarapalayam Taluk, Pallipalayam Sub Registry, Namakkal District, as per Sections 56 (2-A) and 57 of the Tamilnadu Town Planning Act, 1971, in accordance with law and consider the petitioner's representation dated 16.03.2023 and pass orders. This Court, by order dated 07.06.2023, has directed the third respondent to consider the representation of the petitioner dated 16.03.2023 in the light of the Advocate Commissioner's report and to take necessary action with regard to the deviation/unauthorized construction, after affording opportunity to the parties concerned as per the Rules and decide the issue



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on its own merits and in accordance with law, within a period of twelve weeks. The said direction of this Court has not been complied with by the respondent Department. Hence filed the contempt petition before this Court.

3. The learned Special Government Pleader appearing for the respondents has placed proceedings dated 17.11.2023 wherein, under reference No.4, it is stated that petitioner's representations dated 21.07.2023, 23.08.2023, 12.09.2023, 03.10.2023, 16.10.2023 and 28.10.2023 have been considered and a detailed order has been passed. In the said order, a direction as against M/s. KSJ Spins & Weavers Pvt. Ltd. has been issued, restraining the said mill from operating and recommendation was made to the Electricity Board to disconnect the electricity connection that was obtained without getting approval. A copy of the said order has also been forwarded to the electricity board.

4. These facts have not been disclosed in the contempt petition. When the petitioner filed the contempt petition, he should have been vigilant enough and disclosed all the facts before this Court. The petitioner



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has not disclosed the relevant facts in the contempt petition. Further, he has also not disclosed the fact that review application has been filed by the respondents and an order has also been passed in the said review application.

5. Considering all the above facts, it is apparent that the petitioner has not come to Court with clean hands. Therefore, he is not entitled for any relief. The contempt petition is thrown out at the threshold itself. Accordingly, the contempt petition is dismissed with a cost of Rs.25,000/- payable to the respondent Panchayat, within a period of two weeks from the date of receipt of a copy of this order..

**[D.K.K., J.]                      [P.D.B., J.]**  
**14.12.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
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D.KRISHNAKUMAR, J.  
and  
P. DHANABAL, J.

(mrn)

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