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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CONT.P(MD)No.357 of 2023

W.Johnson Christopher ... Petitioner

-vs-

Mr.Sakthivel,
The Commissioner,
Oddanchatram Municipality,
Dindigul District. ... Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents herein for willfully and deliberately committing contempt of court by wilfully disobeying the order of this Court passed in W.P(MD)No.19830/2022 dated 26.08.2022.

For Petitioner : Mr.J.Gunaseelan Muthiah
For Respondent : Mr.L.P.Mouriya

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O R D E R

[Order of the Court was made by S.S.SUNDAR, J.]

Alleging disobedience of the order passed by this Court in W.P(MD)No.19830 of 2022 dated 26.08.2022, this contempt petition is filed.

2. The petitioner filed the above writ petition for a Mandamus, directing the respondent to take necessary steps to cancel the building plan approval in S.Nos.431/24 and 431/25 Kurinji Nagar, Ward No.1, Oddanchatram Municipality, Dindigul District, due to violation of Tamil Nadu Housing Board (TNHB) rules and regulations, based on the petitioner's representation dated 8.6.2022.

3. The said writ petition was disposed of based on the representation of the respondent that already action has been initiated against the 4th respondent in the writ petition by issuing notices dated 22.10.2021 and 05.01.2022. Alleging non compliance of the said order, this contempt petition is filed.

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4. It is to be noticed that against the action taken by the 2nd respondent, the 4th respondent in the writ petition has already filed a revision under Section 80-A of the Tamil Nadu Town and Country Planning Act, 1971. In the said circumstances, the contention of the petitioner that the respondent herein has violated the undertaking before this Court has no substance. First of all, there was no undertaking by the respondent herein before the Writ Court, whereas, he has only reported about the action taken against the 4th respondent in the writ petition. Since the aggrieved person has filed a special revision as against the action taken by the respondent herein, this Court finds no merits in this contempt petition. Subsequently, the 4th respondent in the writ petition also filed W.P(MD)No.7857 of 2023 and this Court, by order dated 06.04.2023, has disposed of the said writ petition with a direction to dispose of the application filed by the petitioners therein under Sub-Section (3) of Section 80-A of the Act within a period of six weeks. The said order clearly gives an indication that the order of this Court had been complied with in letter and spirit.

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5. Hence, this Contempt Petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
31.07.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

Mr.Sakthivel,
The Commissioner,
Oddanchatram Municipality,
Dindigul District.

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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

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ORDER MADE IN
CONT.P(MD)No.357 of 2023
DATED : 31.07.2023

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