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Cont.P.No.1769 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Con.P.No.1769 of 2015

1.R.Vadivelu

2.D.Gopalakrishnan

... Petitioners

Vs.

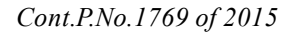
1.P.Devaraji

2.Mr.Vikram Kapur, IAS.,
Commissioner, Corporation of Chennai,
Ripon Building,
Chennai - 600 003.

3.Soundararajan,
Executive Engineer, (Enforcement)
Zone XV, O/o.Regional Jt.Commissioner (South),
Corporation of Chennai - 115,
Muthulakshmi Salai,
Adyar, Chennai - 600 020.

4.K.Prabu
[R4 is impleaded as per order dated
19.08.2015 in Cont.P.No.1769 of 2015]

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[R5 *suo motu* impleaded as per order dated 16.04.2024 in Cont.P.No.1769 of 2015]

PRAYER: Contempt petition filed under Section 11 of the Contempt of Court Act, 1975, to punish the respondents for not complying with the order dated 21.12.2012 in W.P.No.33098 of 2012.

For R5 : Mr.S.Rajakumar
Additional Public Prosecutor

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The contempt petition has been instituted to punish the respondents for their willful disobedience of the order of this Court and the Government order issued consequently.



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2. Dr.V.Suresh, the learned Counsel appearing on behalf of the petitioners would submit that serious buildings violations are noticed and complaints were made and several round of litigations are conducted and finally the Government considered the entire issues on facts as well as on law and passed G.O.(3D) No.19, Housing and Urban Development (UD-V) Department dated 19.07.2018.

3. The extent of violations rectifications needs to be carried out and other particulars are provided in the Government Order. There is no dispute between the parties that the Government order needs to be implemented in order to set right the building violations.

4. Mrs.Aswini Devi, the learned Standing Counsel appearing on behalf of the respondents 2 and 3 would submit that they will implement the Government Order if three weeks time is granted. The Authorities could not able to implement on account of Covid-19 and due to administrative reasons.

5. Mr.Niranjan Rajagopalan, the learned Counsel appearing on



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behalf of the first respondent would submit that the first respondent alone has been singled out without any valid reason. Litigations went on based on some personal vengeance. Therefore, the contempt petition is to be rejected.

6. Though several litigations existed between the parties and orders were passed by the Division Bench of this Court, finally the Government considered the entire issues and passed G.O.(3D) No.19 dated 19.07.2018. In view of the Government Order, we are not inclined to adjudicate all the issues raised between the parties. The Government Order remains unchallenged. Thus, it is to be implemented in its letter and spirit. The respondents 2 and 3 are ready to implement the Government Order within a period of three months.

7. However, Mr.Niranjan Rajagopalan, the learned Counsel for the first respondent would submit that in the event of Court taking such a decision, sufficient time may be granted to the petitioners to carryout necessary corrections in the existing building.

8. In view of the facts and circumstances, the petitioners are at



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liberty to demolish the portion of the building as directed by the Government in G.O.(3D) No.19, Housing and Urban Development (UD-V) Department, dated 19.07.2018 within a period of four weeks from the date of receipt of a copy of this order and report the demolition to the respondents 2 and 3. On receipt of information from the first respondent, the respondents 2 and 3 is directed to conduct inspection and verify the actions taken by the first respondent in consonance with G.O.(3D) No.19 dated 19.07.2018. In the event of failure on the part of the first respondent, the respondents 2 and 3 is directed to proceed with all further actions to implement the Government Order in G.O.(3D) No.19 dated 19.07.2018. After completion of demolition work, the first respondent is at liberty to carryout necessary alterations in accordance with the Building Rules and as suggested by the Government.

9. The first respondent in person articulated by stating that several such violations are already identified by the Corporation Authorities. Therefore, the first respondent alone cannot be singled out. This being the submission, the respondents 2 and 3 are directed to identify the building violations and initiate actions uniformly and without causing any



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discrimination amongst such violators.

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10. Large scale building violations would result in environmental damages. Further, violations will cause inconvenience and prejudice to the neighboring building owners. Chennai City is now converted as concrete jungle on account of large scale corrupt activities in local body and other Authorities. Many environmentalist, pollution control experts are lamenting about such illegalities and in spite of that no actions are taken by the competent Authorities.

11. When the party in person with all sincerity made a submission that there are other buildings, where serious violations are identified, it is the duty madated on the part of the respondents 2 and 3 to identify all such violations and initiate appropriate actions by following the due process. Such actions are directed to be initiated within a period of two months from the date of receipt of a copy of this order. In the event of any inaction on the part of the respondents 2 and 3, the first respondent is at liberty to file appropriate petition before this Court.



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WEB COPY 12. With the above directions, the Contempt Petition stands disposed of.

J.]

[S.M.S., J.]

[V.S.G.,

13.08.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To
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1. The Commissioner, Corporation of Chennai,
Ripon Building,
Chennai - 600 003.
- 2.Executive Engineer, (Enforcement)
Zone XV, O/o.Regional Jt.Commissioner (South),
Corporation of Chennai - 115,
Muthulakshmi Salai,
Adyar, Chennai - 600 020.
- 3.The Assistant Commissioner of Police,
Neelankarai Circle.



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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