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Cont.P.No.1307 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cont.P.No.1307 of 2024

K.Krishnamurthy

.. Petitioner

Vs.

Pavankumar G.Giriyappanavar, I.A.S.,
Commissioner,
Tiruppur Corporation,
Tiruppur.

.. Respondent

Prayer: Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order dated 28.10.2020 made in W.P.No.14955 of 2020.

For petitioner : Ms.Meenakshi.M.

For Respondent : Mr.S.Silambanan
Senior Counsel
for Mr.Abishek Murthy
Standing Counsel

ORDER

This Contempt Petition has been filed on the ground that the order passed in W.P.No.14955 of 2020 dated 28.10.2020 has been violated.



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2.The Writ Petition was filed for a direction to the official respondents to take action against the 4th respondent in the Writ Petition for constructing a building for industrial purpose in a residential plot and when the writ petition came up for hearing, it was represented on the side of the Tiruppur Corporation that already stop work notice has been issued to the 4th respondent in the writ petition and steps are being taken to stop the illegal construction. Recording the same, the writ petition was disposed of.

3.The contempt petition was filed on the ground that no further action was taken against the 4th respondent in the writ petition even after the disposal of the writ petition.

4.When the matter came up for hearing on 14.06.2024, since there was no representation on the side of the respondent, this Court directed the respondent to be present during the next date of hearing on 28.06.2024. On that day, there was no Court sitting and hence, the respondent had come to the Court and since there was no sitting, his presence in the Court was not able to be recorded.



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5.The matter was thereafter listed for hearing today. In the mean time, an affidavit came to be filed by the respondent on 28.06.2024. The relevant portions in the affidavit are extracted hereunder:

“8.I submit that after stop work notice sent by this Respondent, the 4th Respondent in the Writ Petition had stopped construction in the said plot. However, the 4th Respondent in the Writ Petition submitted an application dated 07.01.2022, requesting approval for the construction of a residential building. An inspection was conducted and approval was granted for the construction of a residential building by order dated 08.03.2022 in proceedings U.A.032/BL/2022/00290. Consequently, the 4th Respondent constructed a building for residential purposes with the requisite approval from this Respondent, and no industrial activity has been carried out in the subject plot.

9.I submit that the Corporation officials and respective zonal officers have conducted inspections on 12.04.2024 and 18.06.2024, in the subject property, it is found that the 4th Respondent has deviated from the building approval and respective notice has been given for the compliance of the building plan.

10.I state that there are no industrial activities carried out in the building. Thus, this Respondent has acted in accordance with the law and has not violated the orders passed by this Hon'ble High Court on 28.10.2020 in



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W.P.No.14955 of 2020.”

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6.The learned Senior Counsel appearing on behalf of the respondent submitted that the apprehension raised by the petitioner to the effect that the 4th respondent in the writ petition was constructing a building for industrial purposes in a residential plot no longer survives, since, the 4th respondent himself had requested for approval for construction of a residential building. After conducting the inspection, the approval was also granted through proceedings dated 08.03.2022.

7.The learned Senior Counsel further submitted that the inspection was carried out thereafter on 12.04.2024 and it was found that the 4th respondent in the writ petition had deviated from the building approval that was granted while putting up a residential building and therefore, show cause notice has been issued to the 4th respondent in the writ petition. The learned Senior Counsel further submitted that on the deviation being pointed out, the 4th respondent in the writ petition had also set it right by demolishing certain portions of the building.

8.In the light of the above development, the apprehension that was raised by the petitioner to the effect that the 4th respondent in the writ



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petition was attempting to utilize the building for industrial purpose, no longer survives. It has also been confirmed by the respondent that the building is not being used for industrial purpose. Apart from that, a subsequent approval was also been granted for putting up a residential building. Accordingly, the original cause of action for filing the writ petition no longer survives. In so far as the residential building is concerned, if at all there is any deviation, the respondent Corporation will always proceed further in accordance with law.

9.Accordingly, this Contempt Petition stands closed.

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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N.ANAND VENKATESH, J.

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