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Contempt Petition No.966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition No.966 of 2023

M.Mohammed Ishak
S/o.Shiek Abdullah

... Petitioner

Vs.

1.Uma Rani
The Additional Director,
O/o.The Additional Directorate of Town
and Country Planning,
Puthupalayam, Cuddalore.

2.The Secretary to Government,
Housing and Urban Development,
Fort St.George, Chennai – 600 009.

... Respondents

Contempt Petition filed u/s.11 of the Contempt of Courts Act, 1971, praying to punish the respondent for wantonly and wilfully disobeying the order of this Court dated 25.10.2021 in W.P.No.23000 of 2021.

For Petitioner : Mr.E.Om Prakash, Senior Counsel
for Mr.S.Kumara Devan

For Respondents : Mr.J.Ravindran,
Additional Advocate General IX
assisted by Mr.R.Kumaravel,
Additional Government Pleader

ORDER



Contempt Petition No.966 of 2023

The Secretary to Government, Housing and Urban Development, Fort St.George, Chennai – 600 009, is *suo motu* added as second respondent in this contempt petition.

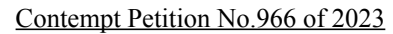
2. Registry is directed to carry out necessary amendment in all the concerned records.

3. This Contempt Petition has been filed praying to punish the respondents for wilfully disobeying the order of this Court passed in W.P.No.23000 of 2021, dated 25.10.2021.

4. Heard learned Senior Counsel appearing on behalf of the petitioner and learned Additional Advocate General appearing on behalf of the respondents.

5. Learned Senior Counsel appearing on behalf of the petitioner submitted that whatever documents/clarifications that were sought for by the respondents have already been given and the second respondent has not considered the same and passed any order.

6. *Per contra*, learned Additional Advocate General submitted



7. Learned Additional Advocate General also brought to the notice of this Court the fact that the respondent through a communication dated 01.09.2023 had informed the petitioner that the application submitted cannot be acted upon since it is not in compliance with the requirements in G.O.(Ms).No.78, dated 04.05.2017. As against this communication dated 01.09.2023, an appeal was also filed before the Government on 30.01.2024. On receipt of the same, the Government has also sought for a response from the respondents. Therefore, it was contended that the matter is now pending before the Government for taking a final decision.

8. Considering the submissions made on either side and also of the fact that the respondents have already communicated to the petitioner that the application cannot be acted upon since it does not comply with the requirements in G.O.(Ms).No.78, dated 04.05.2017 and the matter is

N.ANAND VENKATESH, J



Contempt Petition No.966 of 2023

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pending before the Government, a direction can be given to the Government to take a final decision on the appeal submitted by the petitioner.

9. Accordingly, there shall be a direction to the second respondent/Secretary to Government, Housing and Urban Development, Fort St.George, Chennai – 600 009, to take a final decision on the appeal submitted by the petitioner on 30.01.2024 within a period of four (4) weeks from the date of receipt of a copy of this order. The final decision shall be communicated to the petitioner.

Accordingly, this contempt petition is disposed of.

02.08.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order

gm

Contempt Petition No.966 of 2023