



Cont. P. No.1977 of 2023 & WP No.29579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

Contempt Petition No.1977 of 2023
and Writ Petition No.29579 of 2023
and WMP Nos.29207 & 29208 of 2023

Contempt Petition No.1977 of 2023

Mrs.Kameshwari Vinnakota

... Petitioner

Versus

1. Mrs.Rekha,
The Director, District Town and Country
Planning Office (DTCP)
No.33A, Kotrampalayan Street,
Opp. to Labour Court, Chinna Kanchipuram,
Ennaikaran, Kanchipuram 631 501.

... Respondent

2nd respondent deleted as per order of the
Hon'ble Court dated 20.09.2023 made in
Cont. P. No.1977 of 2023.

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act,
1971, to issue summon to the respondents; and initiate contempt
proceedings and punish the respondents for violation of order dated



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02.03.2023, passed in WP No.2536 of 2023.

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For Petitioner : Ms.V.Poornmadevi
for M/s.M.Sathish

For Respondent : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.John J. Raja Singh, AGP

Writ Petition No. 29579 of 2023

J.Mary Roselen Joseph

... Petitioner

vs.

1. The Secretary,
Department of Housing and Urban Development,
Secretariat, St. Fort George,
Chennai 600 009.
2. The Collector,
Kancheepuram District,
Kancheepuram.
3. The Director,
Directorate of Town and Country Planning Office,
359, CMDA Office Complex,
E & C, Market Road, Koyambedu,
Chennai 600 107.
4. The Assistant Director/ Deputy Director (i/c)
District Town and Country Planning Office,
33A, Kotrampayan Street,
Chinna Kancheepuram, Ennaikaran,
Kancheepuram 631 501.



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5. The Tahsildhar,
Kundrathur Taluk,
Kundrathur Main Road,
Kollachery 600 069.

6. The Commissioner,
Kundrathur Municipality,
Kundrathur 600 069.

7. The President,
Ashok Leyland Employees Cooperative House,
Construction Society Limited, [No.K.P.(Spl.) 70],
7/3, III Street, Sastri Nagar, Ennore,
Chennai 600 057.

8. Kameshwari Vinnakota

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issuance of Writ of Certiorari, calling for records and quash the impugned notice dated 13.09.2023 issued by the fourth respondent in Notice No.1 under Section 56(1) of the TamilNadu Town and Country Planning Act, 1971 as being illegal, and void and without jurisdiction.

For Petitioner : Mr.D.Basker

For Respondent : Mr.P.Kumaresan,
Additional Advocate General
Asst. by Mr.S.John J. Raja Singh,
Addl. Govt. Pleader for RR1 to 5



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: Ms.V.Poornimadevi, for R8

R6 - No appearance

R7 - Not Ready

COMMON ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

Contempt Petition No.1977 of 2023

Pursuant to our order dated 19.02.2024, the District Collector, Kancheepuram has filed a Report stating that the petitioner in the Writ Petition, viz. J. Mary Roselen Joseph, had in fact put up the construction in the Grama Natham land in Survey No.395/3 owned by the eighth respondent Mrs.Kameshwari Vinnakota. It is also stated that the plot purchased by her in Survey No.395/4 remains vacant as of today. Since the question of identity of the land is involved, we do not think that it can be dealt with satisfactorily in the Contempt jurisdiction.

2. Hence this Contempt Petition is **closed**, leaving it open to the parties to approach the appropriate Civil Court for redressal.



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The Writ Petition is also disposed of with a similar direction and any notice issued shall be kept in abeyance for a period of six months, by which time, the parties will approach the appropriate Civil Court. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (V.LAKSHMINARAYANAN, J.)
19.03.2024

jv

Index: No
Internet: Yes
Speaking order
Neutral Citation: No

To

1. The Secretary,
Department of Housing and Urban Development,
Secretariat, St. Fort George,
Chennai 600 009.
2. The Collector,
Kancheepuram District,
Kancheepuram.



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R.SUBRAMANIAN, J.

and

V. LAKSHMINARAYANAN, J.

(jv)

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