



Cont.P.No.2271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2024

CORAM :

**THE HON'BLE MR.JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

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M.I.Jaffar Ibrahim

.. Petitioner

Versus

J.Radhakrishnan,
The Commissioner,
Greater Chennai Corporation,
Rippon Building, EVR, Salai,
Poonamalle High Road,
Chennai - 600 003.

.. Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for his willful violation and disobedience of this Court order, dated 24.01.2024 passed in W.P.No.28263 of 2023.

For Petitioner : Mr.S.Subbiah, Senior Counsel
for Mr.G.Jeremiah John

For Respondent : Mr.D.B.R.Prabhu,
Standing Counsel



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ORDER

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

This Contempt Petition is filed alleging willful disobedience of the order of this Court, dated 24.01.2024 in W.P.No.28263 of 2023.

2. The Writ Petition was filed by the petitioner in this contempt for issuance of Writ of Certiorarified Mandamus to quash the proceedings of the third respondent, dated 01.09.2023 and consequently, direct the respondent Nos.1 to 3 to inspect the illegal construction erected in the premises in T.S.No.59/2, Mambalam village, Saidapet, Chennai.

3. This Court disposed of the Writ Petition with the following directions:-

"8. Considering the facts narrated above, the affidavit filed in support of the Writ Petition and the status report filed, this Writ Petition is disposed of with the following directions:

i) The second respondent shall take appropriate action on the unauthorised construction put up by the fourth respondent as per the status report dated 16.10.2023 mentioning the deviations as extracted above.

ii) It is to be noted that the fourth respondent has to be given sufficient opportunity before further proceedings are initiated.

iii) If any application is filed by the fourth respondent regarding regularisation of the building, the same shall be considered by the second respondent. If no application is filed till date, the fourth respondent is given



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liberty to file fresh application. Depending upon the outcome of the said application, further action shall be taken by the second respondent within a period of eight weeks thereafter.

iv) It is open to the petitioner to agitate his right over the pathway, which is the subject matter of the suit in OS.No.5585 of 2011."

4. The grievance of the petitioner is that this Court, despite giving specific time limit, action has not been taken by the second respondent. However, the learned Senior Counsel for the petitioner accepted that the private respondent in the Writ Petition has applied for regularisation and that such application for regularisation is pending before the concerned authority. Therefore, he has no objection for closing this Contempt Petition.

5. In view of the same, this Court is unable to issue notice to the respondent herein to comply with the directions. Since a regularisation application, filed by the private respondent in the Writ Petition, should be considered and disposed of in the manner known to law, the first respondent in the Writ Petition i.e., the Member Secretary, Chennai Metropolitan Development Authority is directed to consider and dispose of the regularisation application filed by the private respondent in the Writ Petition within a period of 16 weeks from the date on which the Hon'ble Supreme



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Court of India dispose of the matter pending before it in relation to the manner of the regularisation pursuant to the Building Regularisation Scheme in terms of Section 113(c) of the Town and Country Planning Act, 1971 introduced in the year 2012.

6. With the above direction, this Contempt Petition is closed. There shall be no order as to costs.

(S.S.S.R, J.)
25.09.2024

(N.S, J.)

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs



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AND
N.SENTHILKUMAR, J.**

grs

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