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Contempt Petition No.2606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR. **JUSTICE A.D.JAGADISH CHANDIRA**  
and  
THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

**Contempt Petition No.2606 of 2024**  
**in W.P.No.13112 of 2024**

S.Amsa

... Petitioner

Vs.

1.Rashmi Siddharth Zagade IAS.,  
District Collector, Chennai District,  
Rajaji Salai, Fourth Floor, 62, Beach Road,  
George Town, Chennai-600 001.

2.J.Radhakrishnan, I.A.S.,  
Commissioner, Greater Chennai Corporation,  
Rippon Buildings, Chennai-600 003.  
Now as Secretary of Corporation,  
Food and Consumer Protection Department,  
Fort St. George, Secretariat, Chennai-9.

... Respondents

Contempt petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for their willful disobedience in not complying with the direction of this Court dated 08.05.2024 passed in W.P.(PIL) No.13112 of 2024.

For Petitioner : Mr.C.P.Sivamohan

For Respondents : Mr.P.Gurunathan,  
Additional Government Pleader for R1  
Mr.D.B.R.Prabhu for R2



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## **ORDER**

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**(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)**

This Contempt Petition is filed seeking to punish the respondents for their willful disobedience in not complying with the direction of this Court dated 08.05.2024 passed in W.P.(PIL) No.13112 of 2024.

2.It is the case of the petitioner that she had filed a writ petition in W.P.No.13112 of 2024 for issuance of a writ of mandamus directing the 2<sup>nd</sup> respondent to take action against the 3<sup>rd</sup> respondent in the writ petition for having put up an Arch illegally at the entrance of Neelam Basha Dargha, Triplicane, Chennai-600005 and also to demolish the said construction. This Court, by an order dated 08.05.2024, while disposing the writ petition, without going into the merits of the case, had directed respondents 1 and 2 to consider the representation of the petitioner dated 22.04.2024 and pass orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties within a period of twelve weeks from the date of receipt of a copy of the order. It is the further case of the petitioner that a letter dated 14.06.2024 has been sent to the petitioner by the Executive



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Engineer, Zone-IX, Greater Chennai Corporation, directing him to be present before the District Revenue Officer/Zonal Officer, Zone IX, Greater Chennai Corporation on 20.06.2024 at 3.00p.m. Though an enquiry was conducted, no action was taken thereafter and thereby, the respondents herein had wilfully disobeyed the order passed by this Court. Hence, the present contempt petition.

3.Learned counsel for the petitioner would submit that this Court, while disposing the writ petition, had directed respondents 1 and 2 to consider the representation of the petitioner dated 22.04.2024 and pass orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties within a period of twelve weeks from the date of receipt of a copy of the order. However, despite an enquiry being conducted, no orders have been passed by the respondents and the petitioners being made to run between pillar and post and the order of the Court has not been complied with so far and thereby, the respondents have committed contempt of Court by willfully disobeying the order of this Court.



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4.Per contra, learned Additional Government Pleader appearing for the first respondent by drawing the attention of this Court to the letter dated 16.09.2024 sent by the first respondent to the second respondent, the Commissioner, Chennai Corporation and the Zonal Officer, Zone IX, Chennai-600034, would submit that though the Arch had been put up by the religious body, it cannot be considered as a religious building and thereby, the question of issuance of 'No Objection Certificate' does not arise and since the construction is put up in the land belonging to the Greater Chennai Corporation, the matter requires to be proceeded as per Corporation Rules in force.

5.Learned counsel appearing for the second respondent would submit that since the structure had been put up by a religious body, certain clarifications were sought for from the first respondent-District Collector and after finding that the structure had been put up without obtaining permission from Chennai Corporation, notice has been issued to the third respondent in the writ petition under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998. Though there had been a delay in complying with the direction issued by this Court on 08.05.2024, the said delay is on account of obtaining clarification from the office of the



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District Collector and that there had been no delay or lapses on the part of the respondents and that it is not the intention of the respondents to commit contempt of Court. He would further submit that the respondents had initiated appropriate action based on the representation of the petitioner and the direction of this Court has been acted upon and there is no disobedience of the order of this Court.

6. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel for the second respondent and perused the materials available on record.

7. This Court, by an order dated 08.05.2024, while disposing the writ petition, without going into the merits of the case, had directed respondents 1 and 2 to consider the representation of the petitioner dated 22.04.2024 and pass orders on merits in accordance with law, after affording due opportunity of hearing to the petitioner as well as any of the interested parties within a period of twelve weeks from the date of receipt of a copy of the order. The Executive Engineer, Zone-IX, Greater Chennai Corporation, vide letter dated 14.06.2024, has directed the



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petitioner to present before the District Revenue Officer/Zonal Officer,

Zone IX, Greater Chennai Corporation on 20.06.2024 at 3.00p.m.

Thereafter, on 20.07.2024, the representatives of Neelam Basha Darga,

Triplicane, Chennai had sent a representation to the respondents not to

demolish the Arch constructed by them. An enquiry had been conducted.

The Assistant Engineer, Division-120, Zone-X, Greater Chennai

Corporation, Chennai-600 015, vide letter dated 28.08.2024, had

informed that being a religious Arch, permission has to be obtained from

the District Collector for such construction as per Tamil Nadu

Government Gazette Extraordinary Rule (19)(6) Development prohibited

or Restricted Areas and the competent authority shall not entertain any

building application for construction of buildings in relation to any

religious institution unless such application is accompanied with a 'No

Objection Certificate' obtained from the District Collector concerned and

thereby, the petitioner's representation has been forwarded to the

Collector on 20.08.2024. Subsequently, the District Collector vide letter

dated 16.09.2024, had sent a communication to the second respondent

viz.,the Commissioner, Greater Chennai Corporation and the Zonal

Officer, Zone IX, Nungambakkam, Chennai, informing that the

Tahsildar, Mylapore had enquired the petitioner on 31.08.2024 and



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submitted a report that as per the Revenue Records, the Arch was constructed in the road belonging to the Corporation, which is classified as Corporation Public and used as road and that even though it was constructed by the religious institution, it is only a structure and not a religious building, for which, the issuance of NOC does not arise as per Clause 6 of Annexure-XVII of the Tamil Nadu Combined Development and Building Rules, 2019, and had directed the second respondent to proceed in accordance with law.

8. Thereafter, the second respondent-Corporation had issued notice to the third respondent viz., The Haazrath Neelam Basha Darga and Masjid Waqf, Triplicane, Chennai, under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998 and the proceedings is going on. Considering the steps taken by the authorities concerned on the representation of the petitioner, this Court is of the opinion that there is no violation of the order passed by this Court and thereby, the contempt petition stands closed.

**(A.D.J.C.J.) (R.K.M.,J.)**  
**03.10.2024**

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**A.D.JAGADISH CHANDIRA,J.  
AND  
R.KALAIMATHI,J.**

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**03.10.2024**