



Contempt Petition No. 2955 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.02.2024

CORAM :

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR**

**and**

**THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**Contempt Petition No. 2955 of 2023**

R.M.Chandra Mouli

..Petitioner

Vs

1. Tmt. Apoorva I.A.S.,  
Principal Secretary,  
Government of Tamil Nadu,  
Housing and Urban Development Department,  
Secretariat, Chennai – 600009.

2.Dr J.Radhakrishnan, I.A.s.,  
Commissioner of Corporation,  
Greater Chennai Corporation,  
Ripon Building, Chennai – 600003.

3. Thiru Tamil Selavan,  
Zonal Executive Officer,  
Zone – V, Greater Chennai Corporation,  
No. 62, Basin Bridge Road,  
Old Washermenpet, Chennai – 600021.

..Respondents.

Prayer: Contempt Petition is filed under Section 11 of Contempt of Courts Act 1971 read with Article 215 of the Constitution of India to punish the



Contempt Petition No. 2955 of 2023

respondents for willful and wantonly disobeyed the order of this Court in W.P.No. 21690 of 2019, dated 17.02.2020.

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For petitioner : M/s. P.K.Rajesh Praveen Kumar

For Respondents : Mrs. V.Yamuna Devi, Spl.G.P. - R1

Mr. D.B.R.Prabhu, Standing Counsel –

R2 & R3

### **ORDER**

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

This Contempt Petition is filed alleging willful disobedience of the respondents to comply the order of this Court made in W.P.No. 21690 of 2019, dated 17.02.2020.

2. The petitioner has filed the above writ petition (W.P.No. 21690 of 2019) with a prayer to direct the 2nd and 4th Respondent Greater Chennai Corporation to de- occupy and Reseal the unauthorized Building Construction in Old no 4 New No 1/1-7 and N.NO 3 old No 2 Plot No A and B Daley Street Choolai, Chennai-112 as per notice issued by the 2nd Respondent Corporation In Notice No DN 58/031-OA/2019 dated 13.3.2019 (For Plot A) and Notice DN 58/031-0/2019 dated 13.3.2019 (for Plot B) and Consequently to Demolish the Said Unauthorized Building



Construction as per the above said Notices issued by the 2nd Respondent Corporation and to remove the debris to hand over the Vacant land to the Petitioner. This Court, after hearing the submissions made by the learned counsels, closed the writ petition by observing as follows:

*“4. Learned standing counsel for respondents 2 to 4, relying on the counter filed by third respondent/CMDA, submits that the second respondent Corporation has already initiated enforcement action vide Notice No. 58/031-0A/2019 dated 13.03.2019 (for Plot A) and Notice No. Dn.58/031-0/2019 dated 13.03.2019 (for Plot B) and further course of action is to be pursued by second respondent under the delegation of power issued by CMDA as also as per the MCMC Act, 1919.*

*5. Though several contentions have been raised in this Writ Petition, from the counter of third respondent, this Court finds that already enforcement action has been initiated and hence, nothing survives for further adjudication in the present petition.”*

3. It is clear from the above order that after taking note of the submission of the learned counsel for the respondents 2 to 4, which was based on the statement made by the CMDA in their counter affidavit, indicating that the 2<sup>nd</sup> respondent-Corporation had already initiated action through notice and a further notice dated 13.03.2019, the above writ petition was closed by this Court, observing that nothing survives for adjudication.



Contempt Petition No. 2955 of 2023

WEB COPY

4. In the absence of specific direction to the respondents in the above order, this Court is unable to find any merits in the contempt petition filed by the petitioner for willful disobedience on the part of the respondents-authority. If the representation made by the learned counsel for the 2<sup>nd</sup> respondent-Corporation in the writ petition that they have initiated action is false, it is always open to the petitioner to seek remedy either by reviewing the order of this Court dated 17.02.2022 or by filing another writ petition insisting further course of action pursuant to the notice and a further notice dated 13.03.2019 issued by the CMDA /3<sup>rd</sup> respondent in the writ petition.

5. With the above observation, the contempt petition is closed.

**(S.S.S.R., J.)**

**(N.S..J.)**

**06.02.2024**

Internet: Yes/No

Index : Yes/No

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Contempt Petition No. 2955 of 2023

To

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*Contempt Petition No. 2955 of 2023*

**S.S.SUNDAR., J**  
**and**

**N. SENTHILKUMAR., J.**

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**Contempt Petition No. 2955 of 2023**

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