



CONT.P(MD)No.1009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**CONT.P(MD)No.1009 of 2024
in
W.P(MD)No.27290 of 2023**

Sunitha

... Petitioner

vs.

1. Mr.P.N.Sridhar,
The District Collector,
Kanyakumari District,
At Nagercoil 629 001.

2. Bharathi,
The District Environmental Engineer,
Nagercoil,
Kanyakumari District.

3. Mr.S.Sathiyamoorthy,
The Assistant Director of Town Panchayat,
Nagercoil,
Kanyakumari District.

4. Mr.Vinitha,
The Executive Officer,
Attoor Town Panchayat,
Attoor,
Kanyakumari District.

... Respondents



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Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971, to pass an order to punish the contemnor/respondent for his willful disobedience of the order made in WP(MD)No.27290 of 2023 dated 29.11.2023 on the file of this Court.

For Petitioner : Mr.S.C.Herold Singh

For R1, R3 & R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R2 : Mrs.Vijayakumari Natarajan

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

This contempt petition has been filed for the alleged disobedience of the orders of this Court dated 29.11.2023 made in W.P(MD)No.27290 of 2023. By the said order, direction had been given to the official respondents who are the respondents herein, to take action after conducting an inspection of the land in question of the private respondents therein namely, one Sunilkumar and Rosammal with regard to the alleged unauthorised construction and take action against them.

2. The said order accordingly has not been complied with is the contention of the learned counsel appearing for the petitioner. However, when



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the contempt petition is taken up for hearing, learned Additional Government Pleader appearing for the respondents 1, 3 and 4, submitted that the plan approval application having been processed and the plan approval has been given by the 4th respondent i.e., Executive Officer of Attoor Town Panchayat on 21.05.2024. When there has been a plan approval given by the competent authority, the question of taking any action against any private parties for alleged unauthorised construction does not arise. Therefore, the order passed by the Division Bench dated 29.11.2023, since has been complied with or is not capable of taking any action against the private parties in view of the approval order given by the 4th respondent, this contempt petition is to be closed, he contended.

3. We have gone through the planning permission given by the 4th respondent dated 21.05.2024 and in view of the same, no further compliance is required pursuant to the order passed by the Division Bench dated 29.11.2023.

4. However, Mr.S.C.Herold Singh, learned counsel appearing for the petitioner would submit that, even according to the planning permission dated 21.05.2024, the building already constructed is not conforming with the conditions imposed in the building plan and therefore, those violations



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including the side setback of place has to be rectified, otherwise, suitable action shall be taken against the private parties by the respondents herein.

5. Insofar as the said plea is concerned, it is entirely a separate issue or separate cause of action, where, if there has been any further grievance or still there has been any grievance with the petitioner, he can agitate the issue separately in the manner known to law.

6. With this observation, this Contempt Petition is closed.

(R.S.K., J.)

(G.A.M., J.)

26.06.2024

Index : Yes / No
Neutral Citation : Yes / No
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