



Contempt Petition No.3828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

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

Contempt Petition No.3828 of 2024
in W.P.No.13086 of 2024

Thondan Subramani

... Petitioner

Vs.

1.Anshul Mishra, I.A.S.,
The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road, Egmore, Chennai-600 008.

2.J.Kumaragurubaran, I.A.S.,
The Commissioner,
Greater Chennai Corporation,
Park Town, Chennai-600 003.

3.C.Suresh,
The Zonal Officer,
Corporation of Chennai,
Zone-I, Thiruvottiyur, Chennai-600 019.

4.Namachivayam,
The Assistant Executive Engineer,
Corporation of Chennai,
Zone-I, Thiruvottiyur, Chennai-600 019.

... Respondents



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Contempt petition is filed under Section 12 of the Contempt of Courts Act, 1971, to punish the respondents for wantonly and deliberately disobeying the orders dated 08.05.2024 in W.P.No.13086 of 2024 and committing the contempt of Court.

For Petitioner : Mr.R.Dhamodaran

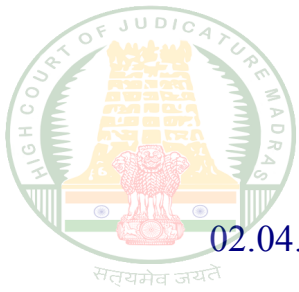
For Respondents : No appearance for R1
Mr.D.B.R.Prabhu, Standing Counsel
for Chennai Corporation -for R2 to R4

ORDER

(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 order of this Court dated 08.05.2024 passed in W.P.No.13086 of 2024.

2.It is the case of the petitioner that he had filed a writ petition in W.P.No.13086 of 2024 for issuance of a writ of mandamus directing respondents 1 to 4 to take action against the unauthorised construction put up by the fifth respondent in the writ petition at the land comprised in S.No.237/1 part, Ward H, Block 24, T.S.No.38 situated at Door No.2, South Mada Street, Thiruvottiyur Village, Zone 1, Greater Chennai Corporation by considering the petitioner's representation dated



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02.04.2024. After hearing both parties, this Court, by an order dated 08.05.2024, had directed the respondents 1 to 4 to consider the representation of the petitioner dated 02.04.2024 and pass orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as the fifth respondent in the writ petition within a period of 12 weeks from the date of receipt of a copy of this order. Aggrieved by the non-compliance of the order, the petitioner has come up with the present contempt petition.

3.Learned counsel for the petitioner would submit that this Court, while disposing W.P.No.13086 of 2024 by an order dated 08.05.2024, had directed the respondents to consider the representation of the petitioner dated 02.04.2024 and pass orders on merits and in accordance with law, after affording opportunity of hearing to both parties, however, the respondents have not complied with the direction of this Court thereby, the respondents have committed contempt of Court by willfully disobeying the order of this Court.

4. Per contra, learned Standing Counsel appearing for respondents 2 to 4 Chennai Corporation, would submit that pursuant to the order of



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this Court, notice had been served on the petitioner and the fifth respondent in the writ petition for enquiry. Thereafter, enquiry has been conducted and further construction was stopped and on the undertaking given by the fifth respondent in the writ petition that he will construct the house according to the planning permission, the action taken letter dated 12.07.2024 has been sent to the petitioner by the Executive Engineer-2, Corporation of Chennai, Zone-I, Thiruvottiyur, Chennai-600 019 and thereby no contempt would arise. He would further submit that if at all the petitioner is aggrieved by the further construction put up by the fifth respondent in the writ petition, he is entitled to proceed in accordance with law and therefore, the contempt petition may be closed.

5.Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 2 to 4-Chennai Corporation and perused the materials available on record.

6.On perusal of the action taken letter dated 12.07.2024, which was furnished by the learned Standing Counsel appearing for respondents 2 to 4 Chennai Corporation, it is seen that pursuant to the order dated 08.05.2024, notice had been issued to the petitioner and the



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fifth respondent in the writ petition for enquiry and enquiry has been conducted and before enquiry itself, stop work notice had been issued and further construction had been stopped and later based on the undertaking given by the fifth respondent in the writ petition during enquiry that he will construct the house according to the sanctioned plan, the enquiry has been closed. We do not find any act of contempt of Court having been committed by the respondents and accordingly, the contempt petition is closed.

(A.D.J.C.J.) (R.K.M.,J.)
19.03.2025

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

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