



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE C.V. KARTHIKEYAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

CONT P No. 397 of 2025

and

Sub Application (OS) No.539 of 2026

E.Chandrababu,
S/o. Elumalai,
No. 30, Raja Agraharam 3rd Cross Street,
Poonamallee,
Chennai - 600 056.

..Petitioner(s)

Vs

Selvi. G. Maheswari, M.B.A.,
Commissioner,
Poonamallee Municipality,
Poonamallee,
Chennai 600 056.

..Contemnor(s)

This Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for willful disobedience of the order of this Court dated 18.12.2024 made in W.P.No.38988 of 2024.

For Petitioner(s):

Mr.A.E. Ravi Chandran

For Contemnor(s):

Mr.M.Suresh Kumar, AAG.
Asst. by Dr.T.Seenivasan, SGP.

**ORDER**

(Order of the Court was made by C.V.Karthikeyan J.)

WEB COPY This Contempt Petition has been filed seeking direction against the respondent / Commissioner, Poonamallee Municipality, for wilful disobedience of an order dated 18.12.2024 in W.P.No.38988 of 2024. The relevant portion of the said order is as follows:

11.This Court, having noticed the three points alluded to in paragraph 9, supra, is of the view that ends of justice would be served if the said notice is directed to be treated as a SCN and the aforereferred 03.02.2024 response of writ petitioner to the same, be treated as a representation with a further directive to R4 to pass final orders vide proviso to Section 128(1)(b). We do so.

12.This Court also makes it clear that further action (if any and if that be so) shall be subject to and depending upon the outcome of the final orders which R4 has to make in the aforesaid manner. This is the safety valve which we have put in and we are also ensuring that the procedure is brought within the perimeter of the procedure prescribed under the local municipal law, i.e., TNULB Act.

13.Captioned WP is disposed of as closed albeit by writing that said notice signed by R4 on 31.01.2024 is treated as a SCN and the writ petitioner's response dated 03.02.2024 is treated as response to SCN and R4 shall now pass final orders considering the representation of the writ petitioner and this is in accordance with proviso to Section 128(1)(b) of TNULB Act. As already alluded to in paragraph 12, supra, further action (if any and if that be so) will be subject to and will depend on final orders to be made



by R4. Consequently, captioned W.M.P. thereat is also disposed of as closed. There shall be no order as to costs.

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2.It had been stated that, instead of specific direction to pass final orders with respect to the response given by the petitioner dated 03.02.2024, another notice had however been issued on 09.01.2025, calling it as final notice, calling upon the petitioner to remove the encroachment.

3.It has been contended by the learned counsel for the petitioner that the petitioner had patta for the portion, on which it had been categorized, he had encroached. In this connection, it is also to be noted that the Revenue Divisional Officer, Thiruvallur, by his proceedings in Na.Ka.No.2325/2023/Aa2 dated 22.06.2023 had cancelled the patta granted in favour of the petitioner. Challenging that particular order, the petitioner had filed an appeal before the District Revenue Officer at Poonamallee in Na.Ka.No.2314/2024/1 dated 01.03.2024. Notices had been issued by the District Revenue Officer and the appeal is still pending. The entire issue relates to S.No.302/3 measuring 800 sq.ft. in Patta No.8069 at Poonamallee Taluk, Thiruvallur District.

4.The learned counsel for the petitioner stated that, as on date, a road had been laid by the respondent. He contended that a portion of the staircase and the septic tank had been unauthorizedly removed by the respondent and the



petitioner is entitled for compensation, for the land which had been taken over for the laying of the road. But however, the issue of grant of patta is now pending before the District Revenue Officer, Thiruvallur.

5.It is also to be noted that the respondent herein had not complied with the direction of this Court to pass final orders. It is evident that final orders have not been passed.

6.The learned Special Government Pleader appearing for the respondent pointed out to the correspondence dated 09.01.2025 and claimed that it was the final order. But however, even the caption is only final notice and not final order. The objection raised by the petitioner dated 03.02.2024 had not even been referred to or even considered.

7.The learned counsel for the petitioner stated that there has been deliberate wilful attempt has been committed by the respondent.

8.We had directed the presence of the respondent before this Court. But today, an application has been filed seeking dispense with the personal appearance of the respondent in Sub Application (OS) No.539 of 2026. Having been convinced with the reasons stated in the petition, we would dispense with the appearance of the respondent for the present. Accordingly, Sub Application (OS) No.539 of 2026 is ordered.



9. But however, we would direct the District Revenue Officer, Thiruvallur, to further expand the scope of his enquiry with respect to S.No.302/3 measuring 800 sq.ft. in Patta No.8069 at Poonamallee Taluk, Thiruvallur District. If it is found that the patta stood in the name of the petitioner and the petitioner had right over the land, even for the portion, which had been demolished, the petitioner is entitled for adequate compensation. The District Revenue Officer, Thiruvallur must therefore also examine this particular aspect and fix the compensation, if any to be paid to the petitioner and if compensation is fixed, the liability to pay the compensation would be on the Commissioner, Poonamallee Municipality. The enquiry before the District Revenue Officer, Thiruvallur, may be completed within a period of three months from the date on which this order copy is uploaded in the website of this Court.

10. Recording as above, this Contempt Petition stands closed.

(C.V.K.,J.) (K.R.S.,J.)
28-04-2026

smv

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



To

1.G. Maheswari, M.B.A.,
Commissioner,
Poonamallee Municipality,
Poonamallee,
Chennai 600 056.

2.The District Revenue Officer,
Thiruvallur District.



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**C.V.KARTHIKEYAN, J.
AND
K.RAJASEKAR, J.**

smv

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