



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Seventeenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE DR.JUSTICE S. TAMILVANAN
AND

THE HON`BLE MR JUSTICE V.S.RAVI

SUB A(MD) No.59 of 2015
IN
CONT P(MD) No.SR679 of 2015

K. KANNAN,

... PETITIONER

Vs

KATHIRAVAN,

THE COMMISSIONER, MADURAI CORPORATION. ... RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to accept the cause title and permit the petitioner to file this Contempt Petition in WP.No.10055/2014 on the file of this Hon'ble Court.

Prayer in Cont.P.No.SR.679 of 2015 :

To punish the contemnor/2nd respondent for willful disobedience of the order dated 21.08.2014 passed in WP.No.10055 of 2014 on the file of this Court.

Prayer in WP.No.10055 of 2014 :

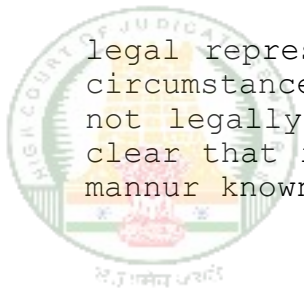
Writ of mandamus directing the respondents 1 to 4 to take necessary stringent action for removal of the encroachments made by the respondents 6,7 in S.No.147/1A, Vasantha Nagar Madurai on the basis of the representation dated 25.4.2014 in consonance with the order dated 3.2.2014 made in WP.No.1576/2013.

ORDER : This petition coming on for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.G.SHANKAR GANESH, Advocate for the petitioner the court made the following order:-

"Heard the learned counsel for the petitioner.

This contempt petition has been filed by the petitioner who is not a party in WP(MD)No.10055/2014, as per order dated 21.08.2014, the Division Bench of this Court disposed of Writ Petition directing the respondents to consider the representation of the petitioner dated 25.04.2014 and pass appropriate orders according to law, within 4 weeks.

It is submitted by the learned counsel for the petitioner that the petitioner is no more. However without impleading the legal representatives in the manner known to law, he cannot maintain the contempt application. He is claiming as legal heir of the deceased, he should have approached the Government to implement the order and straight away he cannot file contempt application stating he is the



legal representative of the deceased who got the order for the aforesaid circumstances, we are of the view, that the contempt petition itself is not legally sustainable. Accordingly, the same is dismissed. It is made clear that it is open to the petitioner to approach the Government in the mannur known to law."

WEB COPY

/ TRUE COPY /

sd/-

Assistant Registrar (RTI)

Sub-Assistant Registrar (C.S.)

CD PURPOSE

ORDER IN

SUB A(MD) No.59 of 2015 IN

CONT P(MD) No.SR679 of 2015

Date :17/03/2015

SR/SJW : 29.06.2015 : 2p/2c