

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

Cont.P. No.2589 of 2015

Pudiya Moovendar Nagar Kudiyirupor
Nala Sangam rep. by its President
P. Narayanasamy

.. Petitioner

Vs.

1 T.P. Rajesh,
District Collector,
Krishnagiri.

2 Dr. Senthil Raj,
The Sub Collector,
Sub Collector's Office,
Hosur.

3 K. Balakrishnan,
The Commissioner,
Hosur Town Municipality,
Hosur.

4 P. Kannamal, I.P.S.,
Superintendent of Police,
Krishnagiri.

5 P. Thamaraiselvan,
The Inspector of Police,
Hudco Police Station,
Hosur.

.. Respondents

Contempt Petition filed under Section 11 of Contempt of Court Act to punish the respondents for wilfully disobeying the order dated 19.06.2015 passed in W.P. No.17427 of 2015 in accordance with law.

For petitioner .. Mr. R. Bharath Kumar

For Respondents .. Mr. P.H. Arvinth Pandian
Addl. Advocate General assisted by
Ms. A. Srijayanthi, Spl.Govt. Pleader
for R1, R2, R4 and R5
Mr. K. Arun Babu
for Mr. P.S. Sivashanmugha Sundaram
Spl. Govt. Pleader for R3

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Alleging that the respondents have disobeyed the order dated 19 June 2015 passed in W.P. No.17427 of 2015, the petitioner has come up with this Contempt Petition.

2 On 19 June 2015, while disposing of the writ petition filed by the present petitioner, the Court passed the following order:

"5 In view of the foregoing, we deem it fit and proper to direct the authorities to take necessary steps on consideration of the petitioner's representation dated 06.01.2013, adverting to each and every averment therein and passing a reasoned order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Needless to state that any action taken has to be subject to a proper opportunity of hearing to the alleged encroachers, including respondents 6 to 8."

3 On 09 March 2016, it was noticed that despite a clear direction for completing the action within the stipulated time of four weeks, nothing moved further. Accordingly, the Court observed as under:

"2 The certified copy of the order was made available on 15 July 2015, as is evident from the endorsement made on the order. The four weeks time granted by the Court came to and end on 14 August 2015. Within the said period of four weeks, no action was initiated. It appears that the order of the Court was thrown to the cold storage. The third respondent/Commissioner, Hosur Municipality, addressed a letter dated 09 September 2015 to the petitioner stating that soon after receipt of order from the Insilidar, Hosur, lawful action would be taken.

3. After issuance of notice on 23 February 2016, on the request of the learned Special Government Pleader, two weeks time was granted to seek instructions and file affidavit of compliance. An affidavit is filed today by one Mr. K. Balakrishnan, Commissioner, Hosur Town Municipality, indicating that notice has been issued on 04 March 2016. Obviously, after time was taken by the Special Government Pleader."

4 Subsequently, it is informed that the direction of this Court has been carried out by removing the encroachment on 24 and 25 March 2016. Thus, nothing remains for compliance.

5 However, having regard to the conduct of the officers as observed by us in the order dated 09 March 2016, the officers, on tendering unconditional apology, seek acceptance of the same.

6 Mr. P.H. Arvinth Pandian, learned Additional Advocate General, on instructions by (1) Mr. T.P. Rajesh, I.A.S., former Collector in Krishnagiri District, (2) Mr. C. Kathiravan, I.A.S., Present Collector, Krishnagiri District, (3) Dr. Senthilraj, I.A.S., Sub-Collector, Hosur and (4) Mr. K. Balakrishnan, Municipal Commissioner, Hosur Municipality, who are present in the Court, submits that the respondents undertake that in future, all the judicial orders will be complied with in their letter and spirit within the time schedule given by the Court.

In such view of the matter, when the officers have realised
<https://hcservices.ecourts.gov.in/hcservices/>
 the mistake, we are inclined to accept the unconditional apology

tendered by them and close the contempt petition. Accordingly,
the contempt petition stands closed.

mmi/cad

SD/-
DEPUTY REGISTRAR (OS)

//Certified to be true copy//

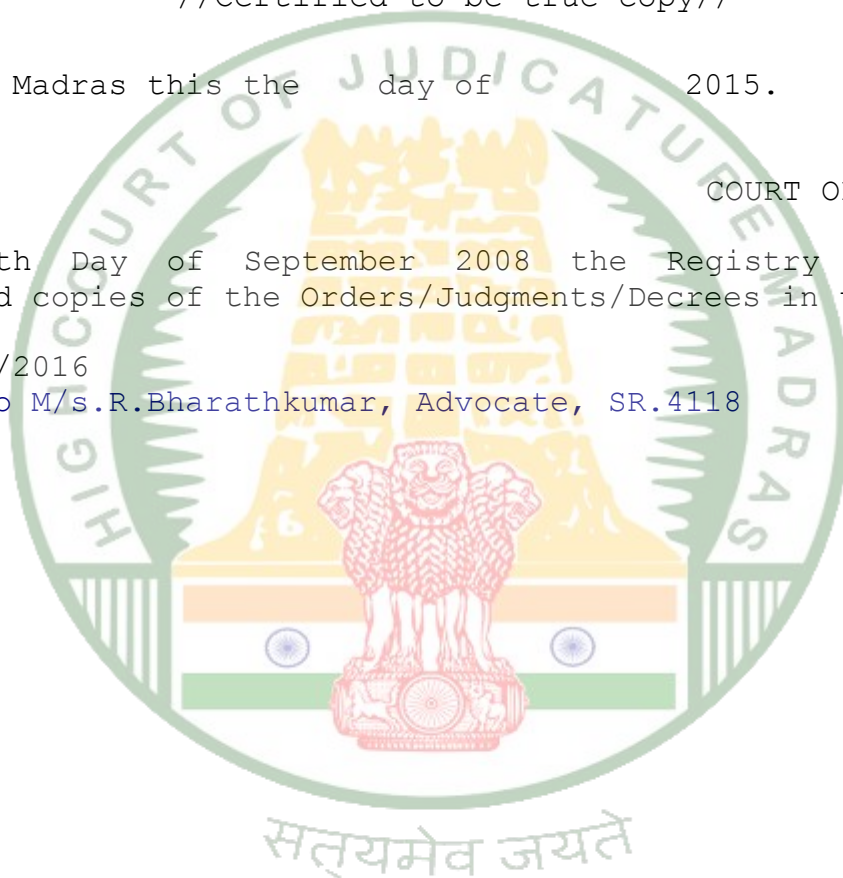
Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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CO/27/04/2016

One CC to M/s.R.Bharathkumar, Advocate, SR.4118



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