

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Cont.P.No.615 of 2016
and Sub.A.No.75 of 2016

G.Sekar petitioner

v.

Mr.Selva Balaji
The Commissioner of Municipality,
Thiruvettipuram Municipality,
Cheyyar,
T.V.Malai District - 604 407.

2.Mr.Panchachalam
The Deputy Superintendent of Police,
Cheyyar,
T.V.Malai District - 604 407. Respondents

Contempt Petition is filed under Section 11 of the Contempt of Court Act to punish the respondents for having committed contempt for non compliance of the order of this Court dated 11.09.2015 passed in WP.No.28614 of 2015.

For Petitioner : Mr.S.Makesh

For Respondents : Mrs.P.Kavitha, GA.

ORDER

The present contempt petition has been filed for violation of the order passed by this Court dated 11.09.2015 in WP.No.28614 of 2015. By which, this Court

directed the respondents to coordinate to the petitioner to prevent the entry of push cart and eatable vendors entering into the Thiruvathipuram Bus stand.

2. After notice counter affidavit has been filed, stating that order of this Court has been complied with. Paragraph 8 of the Counter affidavit is extracted as follows :-

"8. It is respectively submitted that as per the order passed by the Hon'ble High Court of Judicature, Madras in Writ petition No.28614/2015 dated 11.09.2015, this respondent has taken steps in each and every Friday to remove the push cart vendors, temporary encroachment shops in the foot path of the above said Bus stand premises with the police protection. In order to prove the same, the recent photos taken by this respondent are herewith filed. Further, at the time of removal of the above said encroachment, the petitioner is also accompanying with this respondent."

3.Mr.Makesh, the learned counsel appearing for the petitioner would point out that only to dilute the order passed by this Court, a tender notification has been issued on 21.01.2016.

4.Mrs.P.Kavitha, learned Government Advocate would submit that the notification only clarifies that the platform area can be used by the public, the other area can be used by the successful bidder. Moreover, there is a

mention in the notification, the vendors who are carrying and selling the eatables are not permitted inside the bus stand. It is also submitted that the petitioner has already obtained an order of Interim stay in WP.No.6995 of 2016. Wherein the petitioner has challenged the reduction of lease period from three years to one year. In view of the above stated interim order, the respondents cannot bring the same property for auction.

5.While closing the contempt petition, based on the facts mentioned in the paragraph 8 of the counter affidavit. It is made clear that the petitioner has already obtained an order of interim stay in WP.No.6995 of 2016 and the lease period would be subject to the result of the said writ petition.

6.In the result, the contempt petition is closed. No costs. Consequently, connected sub application is also closed.

tsh

SD/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/20/5/2016

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To

The Commissioner of Municipality,
Thiruvettipuram Municipality,
Cheyyar,
T.V.Malai District - 604 407.

2.The Deputy Superintendent of Police,
Cheyyar,
T.V.Malai District - 604 407.

One CC to M/s.S.Makesh, Advocate, SR.5168/2016.



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