

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

Coram

The Hon'ble Mr.Justice T.S. SIVAGNANAM

Cont.P.No.2665 of 2016

1.Jayanthi Shanmuga Sundaram
2.Suganthi Ramay ... Petitioners

vs

Mr.K.R.Selvaraj
Commissioner,
Salem City Municipal Corporation,
Salem. ... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order dated 23.11.2015 made in W.P.No.29129 of 2014.

For Petitioners : Mr.Jayesh B.Dolia
for M/s.Aiyar and Dolia

For Respondent : Mr.S.Diwakar
Special Government Pleader

ORDER

Heard Mr.Jayesh B.Dolia, learned counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondent Corporation.

2.Finally, the order and direction issued by this Court has been complied with. The petitioner's land is free from any encroachment. The petitioner had left about

2750 sq.ft. of patta land in S.No.27/2C2 (South eastern portion) to the Corporation without prejudice to their right to make lawful claim of the land cost from the Salem Corporation. The photograph dated 07.10.2017 has been produced before me which shows that there is a temporary fencing along the eastern boundary of the petitioner's land. This is abetting the old kutcha line which is not being used. A new kutcha line has been dug up by the respondent a few feet away from the petitioner's boundary line. The petitioner would state that the respondent Corporation should form a proper drainage line instead of a new kutcha drain as the sewerage water has to flow through it and it may be a health hazard if it is left open.

3. Since this is a very essential civic amenity, I am sure that the respondent Corporation will take expeditious steps to make a new kutcha drain as a pucca drain duly covered with proper lids to enable easy maintenance also. This Court is not inclined to fix any time frame within which it has to be done. But considering the public interest involved, the Court opines that atleast within a period of six months a new kutcha drain as a pucca drain duly covered has to be made. The petitioner is now free to put up compound wall on the eastern side and shall take sufficient steps and measures to ensure that his eastern boundary is fully safeguarded.

4.With the above observation and direction, this Contempt Petition is disposed of. No costs.

SD/-
ADDITIONAL REGISTRAR(OS-I)
cse

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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KR/CO/30/11/2017

To

Mr.K.R.Selvaraj
Commissioner,
Salem City Municipal Corporation,
Salem.

one cc to Mr.S.Diwakar, Advocate, Sr.No.13296/17
one cc to M/s.Aiyar and Dolia, Advocate, Sr.No.13284/17

सत्यमेव जयते
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