

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2017

CORAM

THE HONOURABLE MR.JUSTICE **N. KIRUBAKARAN**

CONTEMPT PETITION No. 2961 of 2016

Adhi. Senthilkumar

..Petitioner

Vs.

1. L. Subramanian
The District Collector,
Office of the District Collector,
Villupuram,
Villupuram District.
 2. G. Ashok Kumar,
The Commissioner,
Tindivanam Municipality,
Tindivanam,
Villupuram District.
 3. K.V.N. Venkatesan,
The Municipal Chairman,
Tindivanam Municipality,
Villupuram District.
 4. E. Janarthanan,
The Municipal Councillor,
20th Ward,
Tindivanam Municipality,
Villupuram District.
- ...Respondents

Prayer: Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for having committed contempt of Court by wilfully disobeying the order dated 26.10.2016 passed in W.M.P. No.32136 of 2016 in W.P. No. 37503 of 2016.

For Petitioner :: Mr.P.G. Perumal Pandian

For Respondents:: Mr.R. Rajeswaran,for R1
Special Govt. Pleader

O R D E R

This contempt petition has been filed seeking to punish the respondents for disobeying the order of status quo, passed by this Court on 26.10.2016 in W.M.P. No. 32136 of 2016 in W.P. No. 37503 of 2016.

2. The case of the petitioner is that he and his family have been possessing and enjoying the property comprised in Survey Nos. 85/1, 85/2, 85/3, 85/4, 86/12A and 86/12B, measuring about 2490 square feet in the village of Kaveripakkam, Tindivanam Taluk, Villupuram District, for more than 15 years by means of a registered sale deed dated 19.01.1998.

3. According to the petitioner, the 4th respondent, who is an elected councillor of 20th Ward of Tindivanam Municipality, started constructing a water tank adjoining the petitioner's property, thereby obstructing his access to his residence during the month of December,

2014. Therefore, the petitioner gave a representation dated 08.01.2015 to the Tahsildar, Tindivanam Taluk and the said representation came to be rejected, leading to filing of an appeal by the petitioner, before the Revenue Divisional Officer on 16.04.2015. However, the 4th respondent was bent upon continuing with the construction. Hence, the petitioner came before this Court by filing W.P. No. 37503 of 2016 and obtained an order of status quo. Contending that the said order of status quo has been violated, the contempt petition has been filed.

4. Heard both sides.

5. It is seen from the records, especially, the photographs that the 4th respondent has raised a construction only in the land belonging to the Municipality and not in the petitioner's land. Moreover, the 4th respondent has constructed a water tank for distribution of water to the General Public and not in self-interest. Moreover, the construction put up lies at the rear side entry of the petitioner's property and the front side entrance lies somewhere else. The petitioner cannot be expected to have entry to his property on all four sides. When the construction put up by the 4th respondent is in the Municipality's land and in public interest, the petitioner cannot afford to have any grievance over the same.

Therefore, finding no case made out for contempt, the contempt petition is closed.

Sd/-

JOINT REGISTRAR (OS)

nv

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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Ss/11/04/2017

To

1. L. Subramanian
The District Collector,
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The Municipal Councillor,
20th Ward,
Tindivanam Municipality,
Villupuram District.

Two CC to Mr.U.VinothKumar,Advocate, Sr.No.4237/17