

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.1887 of 2016

1.K.Karuppudaiyar
2.A.Thangaraj

... Petitioners

-vs-

1.Thiru M.Mathimaran,
Deputy Director of Town & Country Planning,
Salem Region, Salem District-636 005.

2.Block Development Officer,
Salem.

[R-2; Amended as per order dated 06.10.2017 in Sub-Application No.329 of 2017 in Contempt Petition No.1887 of 2016]

3.M.S.Nawas, S/o.Sherif Sahib,
No.3B, Nabigal Nayagam Street,
Belur Village, Valappady Taluk,
Salem District-636 104.

4.P.Kala, W/o.K.L.Periyasamy,
Former Panchayat President,
Kurichi Village and Post,
Belur (via), Valappady Taluk,
Salem District-636 104.

5.C.Kandasamy, S/o.Chinnar Udayar,
No.2/249, Kurichi Village and Post,
Belur (via), Valappady Taluk,
Salem District-636 104.

6.M/s.N.Malini,
Special Officer/ABDO (Scheme),
Kurichi Village Panchayat and Post,
Belur (via), Valappady Taluk,
Salem District-636 104.

[Respondents 3 to 6 are Impleaded vide order dated 20.10.2017 in Sub-Application No.356 of 2017 in Contempt Petition No.1887 of 2016]

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents herein for willfully disobeying the orders of this Court dated 18.01.2016 made in W.P.No.1381 of 2016 and thereby committing contempt.

For Petitioners : Mr.Kandhan Duraisami
for M/s.Muthumani Doraisami

For Respondent-1: Mr.K.Rajendra Prasad,
Additional Government
Pleader

For Respondent-2: Mr.M.Elumalai
Government Advocate

For R3 and R5 : Mr.P.Jagadeesan

ORDER

Heard the learned counsels for the parties and carefully perused the photographs, which have been produced by the learned counsel on either side.

2.From the photographs produced by the learned Additional Government Pleader, it is seen that the offending encroachment has been removed.

3.The learned counsel appearing for the petitioner would submit that part of the foundation of the toilet is still remaining. This is denied by the learned counsel appearing for the private respondents as well as the learned Additional Government Pleader.

4.As stated above, from the photographs produced, it is seen that the foundation construction has been removed.

In any event, to ensure full and effective compliance of the directives issued by this Court, this Court directs the Tahsildar, Valappady Taluk, Salem District, to conduct an inspection of the area and if in his opinion, any further demolition or removal of foundation is required, the same may be carried out. However, if he satisfies that the channel is free from flow, then nothing further requires to be done. The above direction be complied with by the Tahsildar, Valappady Taluk, Salem within a period of three week's from the date of receipt of a copy of this order.

5. With the above observation and direction, this contempt petition stands closed. No costs.

SD/
ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

CO/18/9/2018

Note to Office : Since the Tahsildar, Valappady Taluk, Salem District is not a party to this Contempt Petition, Registry is directed to communicate a copy of this order to the said Authority.

To

1. Thiru M. Mathimaran,
Deputy Director of Town & Country Planning,
Salem Region, Salem District-636 005.

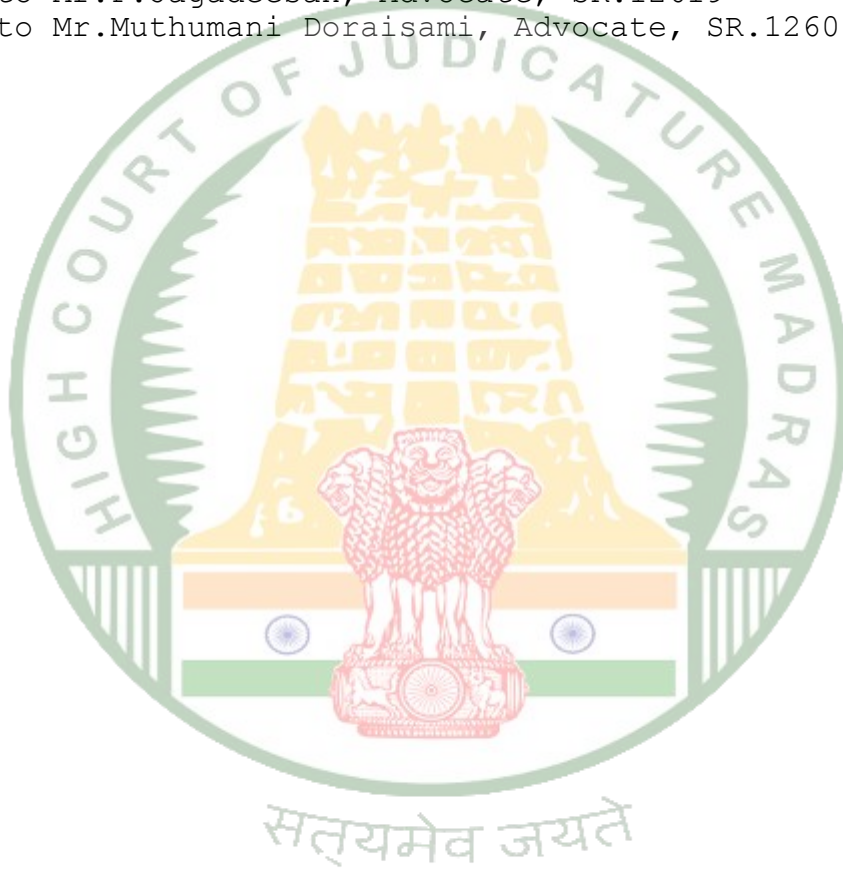
2.Block Development Officer, Salem.

3.The Tahsildar,
Valapady Taluk,
Salem District.

One CC to Government Pleader, SR.12639

One CC to Mr.P.Jagadeesan, Advocate, SR.12619

One CC to Mr.Muthumani Doraisami, Advocate, SR.12600



WEB COPY