

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

Cont.P.No.988 of 2018

in

W.P.No.18001 of 2017

1.A.Sundaram

2.A.Govindan

..Petitioners

Vs

1.Mr.T.Ramadurai Murugan,
The Revenue Divisional Officer,
Sankari, Salem District.

2.Mr.K.Arulkumar,
The Tahsildar, Taluk Office,
Edapadi Taluk, Salem District.

3.Mr.M.Raja,
The Block Development Officer,
Office of Panchayat Union,
Sankari, Sankari Taluk,
Salem District.

..Respondents

PRAYER:- Contempt Petition filed under Section 11 of the Contempt of Courts Act praying to punish the respondents herein for their willful and wanton disobedience of undertaking given before this Court in W.P.No.18001 of 2017 dated 07.02.2018.

For Petitioners: Mr.M.Elango

For Respondents: Mr.N.Inbanathan,
Additional Government Pleader

ORDER

<https://hcservices.ecourts.gov.in/hcservices/> This Contempt Petition is filed complaining that the undertaking given before this Court in W.P.No.18001 of

2017 has been violated.

2. Heard both sides.

3. The petitioners herein as the petitioners in W.P.No.18001of 2017 sought for a Mandamus forbearing the respondents therein in any manner interfering with the business of private market in S.No.309/10 measuring an extent of 50 cents at Konneripatti Agharagam Village, Sankari Taluk. The grievance of the petitioners was that the respondents were trying to put up construction in the said Survey No.309/10 which was given on lease to the petitioners for running the private market. After notice in the said writ petition, the Block Development Officer, 6th respondent therein filed a counter affidavit stating that the proposed construction for locating the Primary Health Centre is intended only at S.No.309/11 and not at 309/10. Since the 6th respondent has specifically stated that no construction is proposed at S.No.309/10, the writ petition was disposed of by recording the above said statement made by the 6th respondent. Now, the present Contempt Petition is filed once again by complaining that the respondents are trying to put up construction at No.309/10.

4. A counter affidavit is filed by the respondent on notice in the Contempt Petition. It is clearly stated therein that the respondents are not putting up the construction in S.No.309/10 and the Primary Health Centre

5. When such being the averment made by the respondents disputing the very allegation, this Court is of the considered view that it cannot go beyond further in adjudicating the matter as it finds that the dispute raised by the petitioners appears to be of a civil nature, that too, in respect of the alleged encroachment by the respondents in the property let out to the petitioners. Therefore, the contempt petition is closed. If the petitioners have still grievance, it is for them to work out their remedy before the appropriate Civil Court by filing appropriate Civil Suit, since the decision of such dispute will have to rest on the evidence to be let in by both parties. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

VSI/KRK

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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To

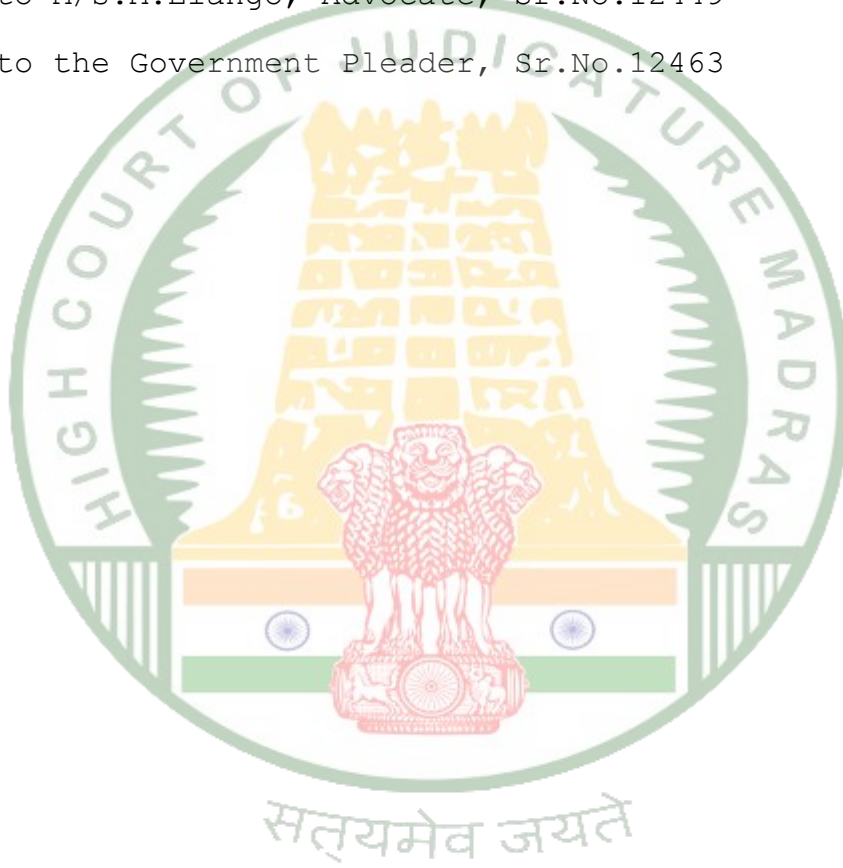
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one cc to M/s.M.Elango, Advocate, Sr.No.12449

One cc to the Government Pleader, Sr.No.12463



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