

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

Coram

The Hon'ble Mr. Justice **M.M. SUNDRESH**
and
The Hon'ble Mr. Justice **R.MAHADEVAN**

Cont. Petition No.269 of 2018

M.Jothi

... Petitioner

vs.

K.Ramesh Babu,
The Project Director,
The National Highway Authority of India,
Ministry of Road, Transport and Highway,
1/54-28, Butt Road (Near Kathipara Junction),
St. Thomas Mount, Chennai - 16.

... Respondent

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondent for gross violation of the
orders passed by this Court dated 19.10.2016 made in
W.P.No.7169 of 2014.

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For Petitioner .. Mr.A.M.Amutha Ganesh

For Respondent .. Ms.S.R.Sumathy

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

This contempt petition has been filed on the premise that the fourth respondent in the writ petition viz., the contemnor has not complied with the order passed by this Court.

2.As rightly submitted by the learned counsel for the contemnor, the said contemnor has not appeared before the Division Bench at the time of passing the order. That made the Division Bench to pass an order on a wrong factual premise. It appears that the land in question belongs to State Highways, being maintained by the Highways Department, Government of Tamil Nadu. Therefore, the removal of encroachment, if any, is to be done by the said Highways Department and not the contemnor, the respondent herein.

3.In view of the above, we do not find any willful disobedience as the contemnor appears to be one without any power to deal with the property. It is also informed by the learned counsel for the contemnor that encroachment was removed on an earlier occasion but once again, encroachment has been made. Thereafter, a fresh notice has also been issued. We hope and trust that the State

Highways Department would take immediate action to remove the encroachment, as if, it is a case of fresh encroachment, after the removal of earlier one.

The contempt petition stands closed accordingly.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
raa
//Certified to be true copy//
Dated at Madras this the day of 2019.
COURT OFFICER (O.S.)
from 25th day of September 2008 the Registry is issuing
Certified copies of the Orders/Judgments/Decrees in this
format.
PS/25/01/2019

सत्यमेव जयते
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