

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2019

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **M.NIRMAL KUMAR**

Cont.P.No.1877 of 2016
and W.P.Nos.21894 and 12379 of 2016

K.S.Abuthaheer .. Petitioner

Vs.

A.Azhar,
Jumma Pallivasal Thirumazhisai
rep. by its President,
Thirumazhisai,
Chennai - 124. .. Respondent

Petition filed under Section 11 of Contempt of Courts Act to punish the respondent for having committed contempt of Court for disobeying the order in W.M.P.No.18737 of 2016 made in W.P.No.21894 of 2016 dated 27.06.2016 in accordance with law.

For Petitioner .. Mr.M.Rajasekar
For Respondent .. Ms.P.Kavitha,
Advocate Commissioner

ORDER

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

Alleging that the interim order passed by this Court in W.M.P.No.18737 of 2016 in W.P.No.21894 of 2016 dated 27.06.2016 has been violated by putting up construction in the mosque, the present contempt petition has been filed.

2.Learned Advocate Commissioner also filed a report.

3.Learned counsel appearing for the petitioner submitted that the construction has been made in violation of the interim order passed by this Court. The learned Advocate Commissioner on instructions would submit that the age of the building could not be ascertained but the fact remains that there is fully functioning mosque.

4.This Court is not willing to conduct a roving enquiry in this regard. Since the petitioner sought for comprehensive prayer, the issue raised will have to be decided in the main writ petition itself.

5.In such view of the matter, the contempt petition stands closed. The petitioner is directed to pay a further sum of Rs.25,000/- (Rupees Twenty Five Thousand only) as additional remuneration to the Advocate Commissioner within a period of two weeks from today.

6.Registry may post the writ petitions before the appropriate Court as per the roster on 09.07.2019.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//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.

Mv/05/07/2019

To
K.S.Abuthaheer,
S/o.Late K.K.Sheik Ismail Ravuthur,
No.52, Nalathonnu Street,
Thirumazhisai,
Chennai 600 124.

2. Mrs.P.Kavitha,
Advocate,
No.319, 2nd Floor,
New Additional Law Chambers,
High Court,
Chennai.

3. The Joint Registrar,
Writ Section

4. The Section Officer,
Writ Section.