

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

CONT.P.No.523 of 2019
and
Sub Application No.137 of 2019

1. C.Subramani

2. D.BaskaranPetitioners in Contempt Petition/
Sub Application

Vs.

Mr. D.Gopi,
Block Development Officer,
Block Development Office Village Panchayat,
Nagal Village Panchayat,
K.V.Kuppam Union,
Guidyattam Taluk, Vellore District.

...Respondent in Contempt Petition/
Sub Application

Contempt petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondent for violating the order of interim injunction granted by this Hon'ble Court on 20.09.2018 in W.M.P.No.28920 of 2018 in W.P.No.24878 of 2018.

Sub Application No.137/2019:

To grant an order of interim injunction restraining the respondent, his subordinates, officials, staff and agents from issuing any patta to any third parties thereby interfering with the petitioners right in respect of the land comprised in S.No.126 of No.31 Nagal Village Gudiyattam Taluk Vellore

measuring an extent of 4.61 acres pending disposal of the above Contempt Petition.

For Petitioners : Mr.D.Rajagopal

For Respondent : Mrs.P.Rajalakshmi,
Additional Government Pleader and
Mr.S.N.Kirubanandan

ORDER

The main allegation made by the petitioners in the writ petition is that the land in S.No.126 of No.31, Nagal Village, Gudiyattam Taluk, Vellore District belongs to the temple and without any right over the same, the respondent herein is digging huge pit for storing garbage, thereby causing nuisance to the temple as well as devotees. Considering the same, this Court, vide order dated 20.09.2018, appointed an Advocate Commissioner to inspect and ascertain the physical features as well as dumping of garbage, if any taken place and file a detailed report along with photographs, etc; and also granted an order of interim injunction against the respondent herein. Accordingly, the Advocate Commissioner filed his report to the effect that garbage is dumping in the disputed land. Since the order of this Court has been disobeyed by the respondent, the petitioners have filed this contempt petition.

2.Upon notice, Mr.D.Gopi, Block Development Officer, K.V.Kuppam, Gudiyattam Taluk, Vellore District, respondent herein, appeared in person and filed an affidavit, wherein, it was stated that the respondent has not aware of the order dated 20.09.2018 passed by this Court; after knowing the same, he stopped the storage of wastages, heaps and garbage; and on

10.07.2019, notice board was displayed in the said place.

3. In view of the averments so made in the affidavit filed by the respondent, this Court is of the opinion that the respondent has not committed any contumacious act.

4. At this juncture, Mr. S. N. Kirubanandam, learned counsel appearing for the respondent submitted that the subject land in dispute does not in any way belong to the petitioners and they do not have any right whatsoever over the same. He further submitted that the connected W.P.No.27423 of 2018 is now pending before a Division Bench of this Court.

5. Considering the above submissions, this Court directs the registry to verify and club WP.No.24878 of 2018 along with WP.No.27423 of 2018, pending before the Division Bench, after following the due procedure, if any.

6. With the above observation, this Contempt Petition stands closed. Consequently, connected Sub Application is also closed.

सत्यमेव जयते

mp/rk

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//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

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Smi/09/09/2019

To

1. The Assistant Registrar (Writs)
Writ Section, High Court,
Madras.

2. The Section Officer,
Writ Section, High Court,
Madras.



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