

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

Coram

The Hon'ble Mr. Justice **M.M. SUNDRESH**
and
The Hon'ble Mr. Justice **C.SARAVANAN**

Cont. Petition No.1562 of 2018

The KKR Nagar Residents Welfare Association
rep. by its Secretary G.Kadarkaraiyandi,
KKR Nagar, First Cross Street, Madhavaram,
Chennai-60

... Petitioner

vs.

Kartheikeyan, I.A.S.,
The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

... Respondent

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondent for wilful disobedience of the
order of this Court in W.P.No.1314 of 2006 dated 11.03.2008.

For Petitioner .. Mr.R.Saseetharan

For Respondent .. Mr.V.C.Selvasekaran

ORDER

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

Alleging that the order dated 11.03.2008 passed by

this Court in W.P.No.1314 of 2006 has not been complied

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with, the present contempt petition has been filed.

2.It appears that in the aforesaid order, a direction was issued to the erstwhile municipality viz., Commissioner, Madhavaram municipality. Subsequently, the aforesaid area has come within the jurisdiction of the respondent in 2011. Thereafter, a representation was given by the petitioner to comply with the order of this Court.

3.From the affidavit filed by the respondent, it appears that after due notice to the encroachers, removal of encroached portion was done. This was done not only in compliance with the order in W.P.No.1314 of 2006 but also pursuant to the order passed in the subsequent writ petitions in W.P.Nos.10768 and 10769 of 2016 dated 23.03.2016.

4.From the said affidavit, it also appears that one alleged encroachment could not be removed since patta has been obtained. Learned counsel appearing for the petitioner submitted that one encroachment, which was actually removed, has been once again encroached by the same encroacher in the month of February, 2019.

5.If subsequently encroachment has been made, it is for the petitioner to approach the respondent and seek appropriate action. We are satisfied that the order passed by this Court in W.P.No.1314 of 2006 has been duly complied

with. Similarly, in respect of the other person, who has obtained patta, it is open to the petitioner to take appropriate action against him in the manner known to law. Suffice it to state that we do not find any wilful disobedience of the order passed.

6. In such view of the matter, the contempt petition stands closed, however, giving liberty to the petitioner to approach the respondent.

SD/-
Assistant Registrar (Comm. Cases)
mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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