

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2019

CORAM

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**

AND

THE HONOURABLE MR. JUSTICE **M.SUNDAR**

Contempt Petition. No.839 of 2018

V.Kanagasundaram

...Petitioner

Vs.

N.Viswanathan
Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai - 609 001,
Nagapattinam District

....Respondent

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful disobedience to the the order of this Court passed in W.P.No.25566 of 2017 dated 03.10.2017.

For Petitioner : Mr.C.E.Pratap

For Respondent : Mr.P.Srinivas

ORDER

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

Alleging that the order dated 03.10.2017 passed by this Court in W.P.No. 25566 of 2017 has not been complied with, the present contempt petition has been filed.

2. An affidavit has been filed by the respondent wherein the following statements have been made:-

"10. GARBAGE AND SOLID WASTE MANAGEMENT In the Mayiladuthurai Municipality area, daily the Municipal workers are collecting 35 Metric tons of wastes from houses, streets, Institutions and commercial building. The same are all handled by adopting solid waste management rules.

x x x

18. Encroachment: In Municipal area out of 64 tanks, 23 tanks are partly encroached by residential huts, fencing Compound walls. In that encroachment fencing, compound walls, planted trees, have all been evicted already. Only a few Residential encroachments are remaining in the bunds of the tanks. These encroachment are identified by the officials and it was found that all are

existing for more than thirty years. Some of the residential encroachment were also removed in the year 2005 is identified by the old records. Due to law and order problem the municipal council passed resolution in the years 2005 (Resolution no.503 dt. 29.07.2005) for providing alternate sites to the encroached residents and requested the government to consider this matter. Commissioner of Land Administration has also directed District Collector to find alternate site for the encroachers. Accordingly, with that reference the District Collector has also written DO letter (R.o.c.No.38233/2005/U4.Dated 09.12.2016) to RDO to find alternate site for the encroachers."

3. Though the aforesaid action taken may not be a holistic and substantial step towards the cleaning of the water bodies, we cannot fix the responsibility on the local body alone. The order passed is also general in nature.

4. In such view of the matter, we do not find any wilful disobedience of the order passed and the contempt petition stands closed. However, if the petitioner has got any grievance against the manner in which the work was

undertaken towards the cleaning of the water bodies, it is well open to him to come with the comprehensive petition, if so advised.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi/ssm

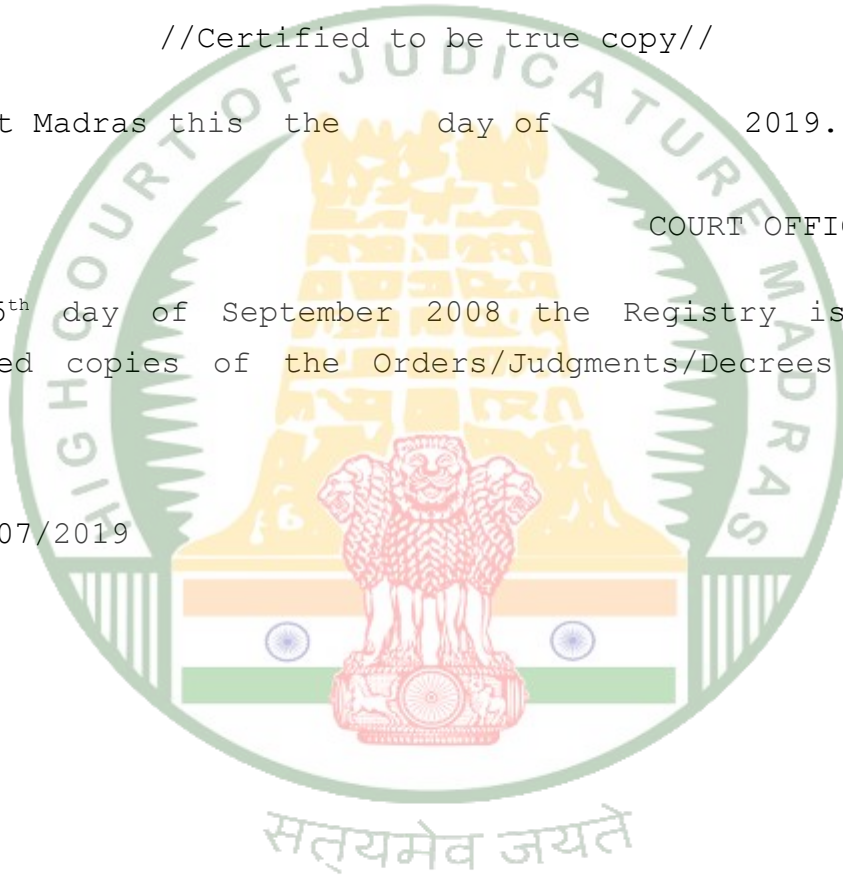
//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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