



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

CONT.P (MD)No.1184 of 2019

in

WP (MD)No.218 of 2019

V.S.Arumugam

.. Petitioner/Petitioner

Vs.

1.G.Balachandran

The Commissioner,
City Municipal Corporation of Dindigul,
Dindigul.

2.Sarangasaravanan,

The Assistant Revenue Officer,
City Municipal Corporation of Dindigul,
Dindigul.

3.G.T.Ravi,

Licensee,
Annal Gandhi Market, Saveriyarpalayam,
Dindigul District.

4.S.Murugan

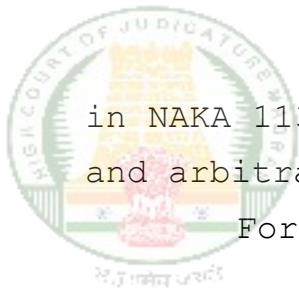
.. Contemnors/ Respondents 3 to 6

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for their willful, deliberate, disobedience of the order of this Court made in W.P.(MD) No.218 of 2019 dated 30.04.2019.

Prayer in WP(MD). 218/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari, calling for the records pertaining to the impugned

the 3rd and 4th respondents bearing reference No.



in NAKA 11331/2018/A7 dated 27.09.2018 and quash the same as illegal and arbitrary.

For Petitioner : Mr.N.Ananthapadmanabhan
for M/s.APN Law Associates

For R1 and R2 : Mr.J.Lawrance

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

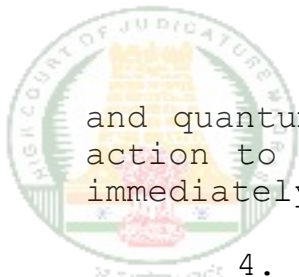
This contempt petition has been filed alleging willful disobedience of the order of this Court, dated 30.04.2019 in W.P. (MD)No.218 of 2019.

2. The said writ petition was filed challenging the notice issued by the third respondent corporation, dated 27.09.2018, which fixes the entry fee for cars, lorries, mini lorries etc.,. According to the petitioner, the fee was fixed based on the load carried by the vehicle, which according to the petitioner was illegal. The Court accepted the same and allowed the writ petition on the ground that the notice, dated 27.09.2018 was not issued in accordance with the Resolution of tender notification as well as the license condition and in accordance with law.

3. The grievance of the petitioner is that in spite of such an order, the licensee, the sixth respondent is continuously collecting higher fees and copies of certain receipts issued by the sixth respondent have been filed in the typed set of papers.

4. The learned Standing Counsel for the respondent corporation has produced before this Court the notice issued to the licensee, dated 12.06.2019, warning him that he cannot collect license fee in excess, what is permitted. Copy of the said notice has also been served on the petitioner as well as four other persons.

5. It is not known as to what action was taken by the corporation after 12.06.2019. The corporation is bound to enforce license conditions strictly and obey the orders of this Court, which has attained finality. In the event, the licensee does obey the directions of the corporation, the corporation will be liable for punishment of contempt. However, before doing so, we give one more opportunity to remedy the situation, if really excess fee is being collected. Therefore, we direct the officials of the corporation to conduct surprise inspection and ascertain as to what is the nature



and quantum of fee collected and if there is any violation, proper action to be initiated against the licensee in accordance with law immediately.

4. With the above direction, the contempt petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Ta

- 1.Mr.G.Balachandran
The Commissioner,
City Municipal Corporation of Dindigul,
Dindigul.
- 2.Mr.Sarangasaravanan,
The Assistant Revenue Officer,
City Municipal Corporation of Dindigul,
Dindigul.
- 3.Mr.G.T.Ravi,
Licensee,
Annal Gandhi Market, Saveriyarpalayam,
Dindigul District.
- 4.Mr.S.Murugan,
S/o.Sivaperumal,
Power agent of G.T.Ravi,
Mettupatti, Dindigul District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-87643[F] dated 19/09/2019)

+1 CC to M/s.APN LAW ASSOCIATES, Advocate (SR-88109[F] dated 20/09/2019)

CONT. P (MD) No.1184 of 2019

18.09.2019

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