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Contempt Petition No.2773 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**
AND
THE HONOURABLE MR. **JUSTICE R.MAHADEVAN**

Contempt Petition No.2773 of 2018

Mayiladuthurai Virivakka Nagargal
Nalvalu Sangam, (Regd. No.44/2007),
Rep., by its President A.Gnanasekaran,
No.16/3, Ram Nagar,
Mayiladuthurai-609 001.

.. Petitioner

Vs

P.Krishnamoorthy
Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai-609 001.

... Respondent

Contempt petition is filed under Sections 11 of the Contempt of Courts Act, 1971, to punish the respondent for the wilful, wanton and deliberate disobedience of the order dated 22.11.2016 passed by this Court in W.P.No.34127 of 2014.

For petitioner :: Mr.Sudarsanam S.L.

For respondents :: Mr.P.Srinivas



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ORDER

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

Alleging that the order passed by this Court in W.P.No.19902 of 2016 dated 14.06.2016, the present contempt petition has been filed.

2. The contemnor is present.

3. The learned counsel appearing for the respondent submits that a final order has been passed under the Tamil Nadu Public Premises (Eviction of unauthorised occupants) Rules, 1978, in Na.Ka.No.13919/2012/F1 dated 27.08.2019. It is further submitted that as against the said order, an appeal in C.M.A.No.8 of 2019 on the file of Additional District Judge, Myladuthurai, has been preferred.

4. Mere pendency of the appeal *per se* cannot be a factor to the non compliance. If the encroacher who suffered an order at the hands of the contemnor is unable to get a prohibitory order, we expect the contemnor to proceed further.

5. Taking note of the fact that the appeal in C.M.A.No.8 of 2019 is



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pending, the Additional District Judge, Myladuthurai is directed to dispose of the same within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

raa

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/20/01/2020

To

1) Commissioner,
Mayiladuthurai Municipality,
Mayiladuthurai – 600 001.