



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 13.07.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**

**AND**

**THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**Contempt Petition(MD)No.235 of 2020**

S.Madhan

... Petitioner/Writ Petitioner

Vs.

Kannan,  
The Commissioner,  
Tirunelveli Corporation,  
Tirunelveli.

... Respondent/Contemnor

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/second respondent for his deliberate and wilful disobedience of the order of this Court in W.P (MD)No.26117 of 2019, dated 09.12.2019.

Prayer in WP(MD). 26117/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the 1st and 2nd respondent to take stringent action against the 3rd respondent for erecting cell phone towers on the Roof Top of his house which is absolutely situated in the Residential areas and causing ailments to the public due to radiation and exposure and to take steps to remove the same from there on the basis of the petitioners representation dt 18/11/2019.

For Petitioner : Mr.M.Sankar

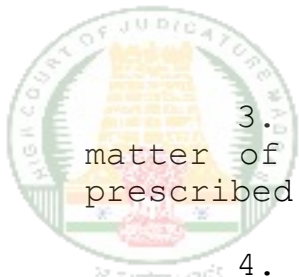
For Respondent : Mr.Aayiram K.Selvakumar  
Additional Government Pleader

**ORDER**

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

The present Contempt Petition is filed by the petitioner, who has alleged violation of final order, dated 09.12.2019, passed in W.P(MD)No.26117 of 2019 filed as a Public Interest Litigation.

2. The matter in issue pertains to the alleged unauthorised erection of mobile phone tower on the premises of the third respondent in the writ petition.



3. A perusal of the order of this Court which is the subject matter of contempt, would show that no outer time limit has been prescribed by this Court while disposing of the writ petition.

4. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader, who accepts notice on behalf of the first respondent, on instructions, would submit that in compliance of the order of this Court, action has already been taken in the form of a show cause notice and the same has been put to challenge by the concerned person by filing W.P(MD)No.5055 of 2020 before the Honourable Roster Single Bench and as such, there is no wilful disobedience or non-compliance of the order of this Court.

5. This Court has carefully considered the rival submissions and also perused the materials placed on record.

6. In the light of the submissions of Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondent/contemnor, on instructions, this Contempt Petition is closed. If the petitioner is so advised and if any remedy is available to him under law, he is always at liberty to work out his remedy in the pending writ petition in W.P(MD)No.5055 of 2020.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

Kannan,  
The Commissioner,  
Tirunelveli Corporation,  
Tirunelveli.

**Contempt Petition(MD)No.235 of 2020**  
**13.07.2020**

RSB

SPU (17.07.2020) 2P-2C

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