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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY  
AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Cont.P(MD)No.1823 of 2019

in

W.P(MD)No.20123 of 2019

V.Eswaran

... Petitioner/Petitioner

Vs.

Rajaram,  
The Commissioner,  
Office of the Theni Allinagaram Municipality,  
Theni,  
Theni District.

... Contemnor/Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/respondent for his wilful disobedience of the order of this Court made in W.P(MD)No.20123 of 2019, dated 19.09.2019.

Prayer in WP(MD). 20123/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the 1st respondent to take action to demolish the illegal construction made in Survey No.1695/1A, Door.No.1369-D, Allinagaram village, Theni District made by the 6th respondent

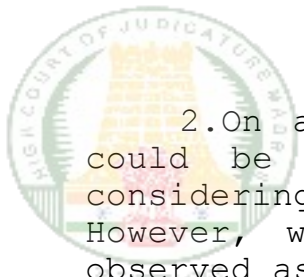
For Petitioner : Mr.V.Eswaran  
(Party-in-Person)

For Respondent : Mr.Hema Karthikeyan

**ORDER**

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

The petitioner in W.P(MD)No.20123 of 2019 has filed the above Contempt Petition to punish the respondent for the disobedience of the order dated 19.09.2019 passed in the Writ Petition.



2.On a perusal of the order passed in the Writ Petition, it could be seen that the Division Bench of this Court, after considering the case of both sides, dismissed the Writ Petition. However, while dismissing the Writ Petition, the Division Bench observed as follows:

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*"However, it goes without saying that if there is any illegal construction without obtaining planning permission, the Municipality has to take appropriate action in accordance with law."*

3.Now, the writ petitioner has filed the Contempt Petition stating that in view of the observation made by the Division Bench, the respondent should have taken action against the illegal constructions.

4.From the observation made by the Division Bench, it is clear that the Division Bench has stated that in the case of any illegal construction without obtaining planning permission, the Municipality has to take appropriate action and the Division Bench has not stated or pinpointed any particular party against whom action should be taken by the Municipality.

5.In these circumstances, the Contempt Petition filed by the petitioner before this Court would suffer dismissal and the same is not maintainable.

6.However, the learned counsel appearing for the respondent / Municipality submitted that the Municipality had already issued a notice dated 03.12.2019 to one Pounmani for unauthorized construction and subsequently issued notice dated 28.01.2020 for lock and seal. Therefore, it is clear that the Municipality is taking action against the illegal construction put up by one Pounmani. The submissions made by the respondent is also recorded.

7.Accordingly, the Contempt Petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

Rajaram,  
The Commissioner,  
Office of the Theni Allinagaram Municipality,  
Theni,  
Theni District.

+1 CC to Mr.V.EASWARAN, (Party-in-Person) ( SR-5265[F] dated  
07/02/2020 )

+1 CC to Mr.K.HEMAKARTHIKEYAN, Advocate ( SR-5664[F] dated  
11/02/2020 )

**Cont.P(MD)No.1823 of 2019**  
**07.02.2020**

VB(20.02.2020) 3P 4C