

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:25.02.2021

CORAM:

**THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

Contempt Petition No.768 of 2019

in W.P.No.23090 of 2018

A. Thamizharasi Petitioner

v.

1. Mrs. S. Sasikala,
The Zonal Officer,
Zone 11, Greater Chennai,
Corporation of Chennai,
Valasaravakkam,
Chennai - 87.

2. R. Natarajan,
Administrator,
Sri Abirami Udanagiya Amirtha Kadeswarar Temple,
Devasthanam,
11th Street, Abirami Nagar, Maduravoyal,
Chennai - 600 095.

[2nd Respondent is impleaded as per order
dated 08.08.2019 made in Sub Application
(OS) No.282 of 2019 in Contempt Petition
No.768 of 2019]

... Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the 2nd respondent for the willful disobedience and failure to comply with the order of this Court dated 28.11.2018 in W.P.No.23090 of 2018.

For Petitioner : Mr. R. Sankarasubbu

For Respondent : Ms. Karthika Ashok - R1

No Appearance - R2

ORDER

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

The Writ Petitioner has filed the above Contempt Petition to punish the 2nd respondent for the disobedience of the order of this Court dated 28.11.2018 made in W.P.No.23090 of 2018.

2. The Writ Petition was filed by the petitioner to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 29.6.2018, in accordance with law, by removing the unauthorised construction of the 4th respondent- Temple.

3. When the Writ Petition was taken up for hearing, a representation was made before this Court to the effect that the 2nd respondent had already initiated the proceedings for removing the encroachment made by the 4th respondent by issuing a notice dated 23.10.2018 under section 220 read with 222 of Chennai City Municipal Corporation Act.

4. Alleging that the respondents have not removed the encroachment, the Writ Petitioner has filed the above Contempt Petition.

5. Ms. Karthika Ashok, learned Standing Counsel appearing for the 1st respondent submitted that the encroachment made by the 4th

respondent temple measuring an extent of 310 sq.ft. was removed by the authority and as of today, no encroachment is in the property in dispute.

\ 6. The respondent had also produced the photographs to establish that the Temple put up in the land belonging to the Corporation was being demolished. We are satisfied with the report filed by the 1st respondent.

7. In these circumstances, we do not find any reason to keep the Contempt Petition pending. Accordingly, the Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rj

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/08/06/2021

To

1. The Zonal Officer,
Zone 11, Greater Chennai,
Corporation of Chennai,
Valasaravakkam, Chennai - 87.

2. The Administrator,
Sri Abirami Udana giya Amirtha Kadeswarar Temple,
Devasthanam, 11th Street, Abirami Nagar, Maduravoyal,
Chennai - 600 095.