



WEB COPY

Cont.P.No. 1550 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Contempt Petition No. 1550 of 2019

P.Gopinath,
No.118/114, Sanjeevraman Koil Street,
Old Washermenpet, Chennai-21

... Petitioner

Vs

Mr.Mujipur Rahman,
The Municipal Commissioner,
Kanchipuram Municipality,
Kanchipuram District,
Kanchipuram.

... Respondent

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his wilful disobedience causing inordinate delay in compliance of the order dated 03.09.2018 passed in W.P.No.34133 of 2017 by this Court and also secure compliance within a reasonable time frame with the order.

For Petitioner .. Mr.B.Karthikeyan
for Mr.J.Kamaraj

For Respondent .. Mr.P.Srinivas



ORDER

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It is relevant to extract paragraph 9 of W.P.No. 34133 of 2017 dated 03.09.2019, which is the subject matter of contempt:

“9. Before parting with, this Court directs the 3rd Respondent to take necessary action for demolition of the construction put up by the 4th Respondent in the property in question and to recover the expenses incurred by it from the 4th Respondent. The expenses incurred for clearing the debris shall also be recovered by the 3rd Respondent from the 4th Respondent as per the Tamil Nadu District Municipalities Act, 1920 and Rules, thereto.”

2. The petitioner alleging wilful disobedience and non-compliance of the order came forward to file this contempt petition. The contempt petition was listed on 09.01.2020 and on that day private notice was ordered to the respondent/contemnor returnable on 24.02.2020 and this court also permitted the petitioner to serve notice and the papers upon to the learned counsel appearing for the fourth respondent - the alleged violator and thereafter the matter has been adjourned to 24.02.2020 and on that day it was directed to be called on 23.04.2020 as a last chance for compliance of the order with an



indication that statutory notice would follow. Thereafter, the matter was listed on 24.02.2021. This Court found that the order which is the subject matter of contempt, prima facie, appears to be not complied with, issued a statutory notice on 25.03.2021 and accordingly the matter is listed today.

3. The respondent/contemnor appeared through video conference.

4. Mr.P.Srinivas, learned counsel appearing for the respondent/contemnor has drawn the attention of this Court to the affidavit of compliance dated 23.03.2021 and would submit that after getting the police protection, the demolition of the offending construction was started on 17.03.2021 and the same has been completed and the process of disconnecting of the electricity supply has also been effected and thus the orders passed by this Court have been completed with in letter and spirit and prays for closure of the contempt petition.

5. Mr.R.Prakash, learned counsel appearing for the fourth respondent in the writ petition would submit that without following the due process of law, illegalities have been committed at the instance of the petitioner, who is also an Advocate and craves the leave of this Court to work out the remedy in accordance with law.



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6. This Court has considered the rival submissions and also perused the materials placed before us.

7. In the light of the compliance dated 23.03.2021 filed by the respondent/contemnor, no further orders are necessary and, therefore, the contempt petition is closed. The fourth respondent, if so advised and if it is available in law, she may be at liberty to work out the remedy in accordance with law before the competent forum/s.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

ssm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/19/05/2021

To
The Municipal Commissioner,
Kanchipuram Municipality,
Kanchipuram District, Kanchipuram.

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