



WEB COPY

Cont. Petn. No.1523 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Contempt Petition No.1523 of 2019

Dharmapuri Town Daily Vegetables Market

Merchants Association,

rep. by its President S.Raja, Regn No.48/93,

No.23, Kamatchi Amman Street,

Dharmapuri-1.

... Petitioner

Vs.

Mrs. A.Maheswari,

The Commissioner,

Dharmapuri Municipality, Dharmapuri.

... Respondent

Prayer: Petition filed under Section 11 of Contempt of Courts Act,1971 to initiate appropriate contempt proceedings and to punish the respondent for non-compliance of the order dated 13.02.2017 passed by this court in W.P.No.45430 of 2006.

For petitioner

: Mr.P.Ganesan

For Respondent

: Mrs. A.Sri Jayanthi,

Spl. Govt. Pleader

ORDER

This contempt petition has been filed to initiate appropriate contempt proceedings and to punish the respondent for non-compliance of the order dated 13.02.2017 passed by this court in W.P.No.45430 of 2006.



2. According to the petitioner, earlier he had filed a writ petition in W.P.No.45430 of 2006, challenging the communication issued by the third respondent therein dated 16.11.2006 and sought direction to the third respondent to complete the construction of the new complex, as per the proceedings dated 13.11.2004. It is the contention of the petitioner that after considering both the parties, this court has passed a final order on 13.02.2007, directing the Commissioner of Dharmapuri Municipality to comply with the directions issued by the District Collector, Dharmapuri in his proceedings dated 30.11.2004. While that being so, the respondent Municipality has invited tenders in Na.Ka.No.1670/ 2017/(E1) dated 27.02.2019 for constructing the commercial complex in Dharmapuri Municipality situated in Town Bus stand, Western Side Block-1, Ward-C and T.S.No.5, T.S.Nos.28, 29, 30,31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 (Mohammed Ali Club Road). Aggrieved by the above said notification, the petitioner has filed the instant contempt petition for wilful disobedience of the final order passed in W.P.No.45430 of 2006

3. A perusal of the tender notification dated 27.02.2019 shows that the Municipality invited tenders for construction of the Commercial Complex and also for maintenance of the building for 15 years and thereafter to hand over the same to the Municipality.



Cont. Petn. No.1523 of 2019

4. The learned counsel appearing for the petitioner submitted

that while the present contempt petition is pending, the petitioner has also filed a Writ Petition in W.P.No.9607 of 2020 against the above said tender notification and the same is pending before this court.

5. When the petitioner filed a writ petition raising the issues involved in the present contempt petition, this court is of the view that, the present contempt petition cannot be sustained. Therefore, the petitioner is directed to workout his remedy in the above said writ petition in W.P.No.9607 of 2020, by agitating all the grounds raised in the present contempt petition.

6. With the above observations, this contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mst

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/27/07/2021

To

The Commissioner,

Dharmapuri Municipality, Dharmapuri.