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Cont.P. No. 2257 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2021

Coram :

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No. 2257 of 2018

K. Mathiazhagan,
No.95, Pudhukudian Sandhu,
Tittagudi(P.O. & T.K.),
Cuddalore District,
Pincode 606 106

.. Petitioner

Versus

Mr. V. Gunasekaran
The Executive Officer (Inc)
Office of the Town Panchayat
Thittagudi - 606 106

.. Respondent

Contempt Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to punish the respondent for contempt for wilfully disobeying the order of this Court passed in WP No. 13801 of 2015 dated 30.04.2015.

For Petitioner	:	Ms. S. Kala
For Respondent	:	Mr. Stalin Abhimanyu Government Counsel

ORDER

This contempt petition is filed by the petitioner complaining non-compliance of the order dated 30.04.2015 passed in WP No. 13801 of 2015. By the said order dated 30.04.2015, this Court, directed the respondent herein to take note of the resolution dated 29.02.2012 passed by the third



respondent/Panchayat in the writ petition and to consider the claim of the petitioner on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

2. The learned Government Counsel appearing for the respondent submitted that the petitioner has filed the Writ Petition praying to issue a Writ of Mandamus directing the respondents 2 and 3 to lay the link/connecting road from Pudhukudiyan Lane to Perumalai Road via., Neelangadi Street, based on the resolution of the third respondent dated 29.02.2012. The learned Government Counsel also submitted that pursuant to the direction issued by this Court, the second respondent, along with the revenue officials inspected the site in question and found that the land is classified as a water course. It is also stated that the third respondent panchayat has passed the resolution dated 29.02.2012 without causing an inspection of the site in question as also the feasibility of laying a road. The learned Government Counsel also produced a copy of the proceedings in Na.Ka.No.128/2019/A1 dated 29.07.2021 of the respondent informing the petitioner about the non-feasibility of laying the road, after inspection. The learned Government Counsel for the respondent therefore submitted that the claim of the petitioner is not feasible of compliance and it was also intimated to him by way of the proceedings dated 29.07.2021 of the respondent. The learned Government Counsel therefore prayed for dismissal of



this Contempt Petition.

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3. Heard the learned counsel for the petitioner as well as the learned Government Counsel for the respondent. A compliance report has been filed by the respondent enclosing a copy of the proceedings dated 29.07.2021 in which it was stated that the site in question has been inspected by the respondent along with the revenue officials and noticed that it was a water course where laying of road is not feasible. Thus, it is evident that as directed by this Court, the respondent has considered the claim of the petitioner and rejected it as not feasible. Therefore, the question of initiating contempt proceedings against the respondent is not necessary. It is open to the petitioner to challenge the communication dated 29.07.2021 of the respondent, if he is aggrieved.

4. With the above observations, the contempt petition is closed. No costs.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

rsh

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
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The Executive Officer (Inc)
Office of the Town Panchayat
Thittagudi - 606 106