



WEB COPY

Cont.P.(MD)No.1119 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Cont.P.(MD)No.1119 of 2021

M.Bagavathi

... Petitioner

Vs.

1.Mr.Visakan,

The Commissioner,

Madurai Corporation, Madurai.

2.Ashok Kumar

3.Palanivel

... Contemnors

Prayer : Petition filed under Section 11 of Contempt of Courts Act 1971, to punish the contemnors/respondents for the wilful disobedience of the order dated 23.07.2008, passed in W.P.(MD) No.11746 of 2006.

Prayer in WP(MD). 11746/ 2006 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, or any other appropriate Writ, Order or Direction in the nature of writ, directing the first respondent to ensure that the public street, (20 feet road) running between Plot No.20 and Plot No.27, V.O. C.Nagar, Valluvar Colony, Madurai- 625 017 is maintained free of encroachment

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Murali
Standing Counsel for R.1

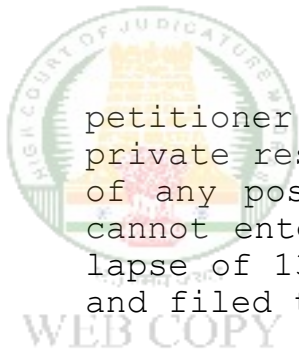
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ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above Contempt Petition to punish the respondents for wilful disobedience of the order, dated 23.07.2008 passed in W.P.(MD)No.11746 of 2006.

2. The Division Bench of this Court, in the order dated 23.07.2008, gave a finding that a road was in existence covering plot Nos.21 to 27 connecting 30 feet wide road. Apart from this finding, this Court has not given any positive direction. Now, the



petitioner has filed the above Contempt Petition stating that the private respondents 2 and 3 have encroached the road. In the absence of any positive direction given by the Division Bench, this Court cannot entertain the contempt petition that has been filed, after a lapse of 13 years. The petitioner slept over for more than 13 years and filed the Contempt Petition only on 29.04.2021.

3. In these circumstances, the Contempt Petition is devoid of merits and the same is dismissed. It is needless to say that the first respondent should protect the road in a proper manner.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SSL

To

Mr.Visakan,
The Commissioner,
Madurai Corporation, Madurai.

+1 CC to M/s.R.MURALI, Advocate (SR-28846[F] dated 13/09/2021)

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