



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Cont.P(MD)No.1186 of 2021

in

W.P(MD)No.19264 of 2019

Mahalingam

... Petitioner/Petitioner

Vs.

1.Sukumaran,

The Executive Engineer,
PWD Water Resource Organization,
Periyar Vaigai Basin,
Thallakulam,
Maduraid District.

2.Muthupandi,

The Tahsildhar,
Madurai South,
Madurai District.

... Contemnors/Respondents 3 & 4

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors/respondents for their wilful disobedience of the order of this Court made in W.P(MD)No.19264 of 2019, dated 05.09.2019.

Prayer in WP(MD). 19264/ 2019 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to Direct the respondents 1,3 and 4 to remove the encroachments and obstructions made in the water body comprised in Sy.No. 2/1 and 2/2 of Viraganoor Village within a specified period

For Petitioner

: Mr.K.P.Narayanakumar

For Respondents

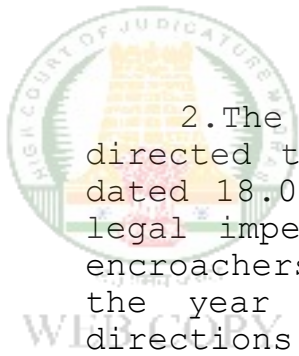
: Mr.P.Thilak Kumar

Government Pleader

ORDER

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

The petitioner has filed the above Contempt Petition to punish the respondents for disobedience of the order dated 05.09.2019 made in W.P(MD)No.19264 of 2019.



2.The Division Bench of this Court by order dated 05.09.2019 directed the respondents to proceed in furtherance to the reports dated 18.04.2017 and 19.04.2017 and also observed that there is no legal impediment in initiating action after issuing notice to the encroachers, because the reports submitted by the authorities are of the year 2017. Further, the Division Bench observed that the directions of the Division Bench shall be scrupulously followed by the authorities and be completed within a period of eight weeks. Since the authorities failed to comply with the orders passed by this Court within the time stipulated, the petitioner has filed the Contempt Petition.

3.When the Contempt Petition is taken up for hearing today, Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner as well as Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents submitted that the respondents have already removed the encroachment today.

4.The learned counsel appearing for the petitioner submitted that in view of the removal of the encroachment, the Contempt Petition may be closed.

5.Mr.Thirupathy Chellasamy, learned counsel representing the encroachers submitted that the authorities have not removed the encroachment so far.

6.However, the encroachers are not parties in the Contempt Petition. Since the learned counsel for the petitioner himself has stated that the authorities have removed the encroachment, we do not find any reason to keep the Contempt Petition pending. Accordingly, the Contempt Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1.Sukumaran,
The Executive Engineer,
PWD Water Resource Organization,
Periyar Vaigai Basin,
Thallakulam,
Maduraid District.

2.Muthupandi,
The Tahsildhar,
Madurai South,
Madurai District.

+1 CC to M/s.SPL. GP (SR-29128[F] dated 15/09/2021)

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-29224[F] dated
16/09/2021)

Cont.P(MD)No.1186 of 2021

in

W.P(MD)No.19264 of 2019

14.09.2021

RD(24.09.2021) 3P 5C