



Cont. P(MD)No.91 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)No.91 of 2022

in

W.P.(MD)No.11589 of 2021

Bhuvaneswari

... Petitioner

Vs.

1.Dr.K.P.Karthikeyan
The Commissioner,
Madurai Corporation,
Madurai-625 002.

2.Saravanan
The Assistant Engineer,
South Zone,
Madurai Corporation,
Madurai.

3.Bhuvaneswari

... Respondents

(3rd respondent is impleaded vide order dated 06.07.2022
in Sub Aplc.(MD)No.65 of 2022)

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to summon the respondent and deal with them as per law for having willfully disobeyed the order made in W.P.(MD)No.11589 of 2021, dated 23.09.2021.



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For Petitioner : Mr. Anwar Sameen
for Mr. M. Prabhakaran

For R1 & R2 : Mr. B. Saravanan

For R3 : Mr. K. Prabhu

ORDER

Heard the learned counsel on either side.

2. The petitioner filed W.P.(MD)No.11589 of 2021 before this Court and the said writ petition was disposed of on 23.09.2021 in the following terms:-

“7. For reasons set out above, W.P.(MD).No.11589 of 2021 is disposed of by directing the respondents herein to permit the petitioner to set up the Aavin milk booth at the allotted space and not to interfere with or otherwise disturb the petitioner in establishing and running such Aavin milk booth in accordance with the licence granted in such regard. For purposes of earmarking the precise location for setting up the Aavin milk booth, the petitioner and the Madurai Corporation shall jointly inspect the location and agree upon the precise location for establishment of the Aavin milk booth. This exercise shall be completed within a period of one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.”



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Aggrieved by the same, the Madurai Corporation filed W.A.(MD)No.562 of 2022. The said Writ Appeal was dismissed. However, certain observations were made in favour of the Corporation. However, it was observed that it is open to the Corporation to insist for a deposit of a sum of Rs.50,000/- in case, no amount is due from Aavin. The petitioner had remitted a sum of Rs.50,000/- with Aavin.

3. Today, it is conceded by the learned standing counsel for Aavin that this amount would be passed on to the Corporation within a period of two weeks.

4. Recording the said undertaking, the third respondent is directed to remit a sum of Rs.50,000/- paid by the petitioner. It is meant to be the non-refundable deposit in favour of the Corporation. Now that the issue regarding payment has been settled, the Madurai Corporation is directed to scrupulously comply with the direction already given by this Court on 23.09.2021. The entire exercise shall be completed before the end of this month.



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5. The Contempt Petition is disposed of accordingly.

06.07.2022

Index: Yes/No
Internet: Yes/No
rmi

ORDER MADE IN

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in

W.P.(MD)No.11589 of 2021

06.07.2022