



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

Cont.P.(MD).No.502 of 2022

in

W.P.(MD).No.2053 of 2021

Thiruvavavadudurai Adhinam,
Represented by Inspector,
Veeranathan.

... Petitioner / Petitioner

Vs.

Mohan,
The Member Secretary/Deputy Director,
Office of Town Planning Authority,
Nagercoil,
Kanyakumari District.

... Contemnor / Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the contemnor / respondent herein for committing grave contempt and gross disobedience of the order passed by this Court in W.P(MD).No.2053 of 2021 dated 15.04.2021.

Prayer in WP(MD). 2053/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus, to call for the records pertaining the impugned order in O.Mu.No. 506/2020 Na.U.Thi.Ku. dated 28.07.2020 passed by the respondent and the quash the same and consequently direction to the respondent to reconsider the petitioners application dated 16.07.2020 and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner : Mr.M.Ramu

For Respondent : Mr.B.Saravanan,

Additional Government Pleader.

ORDER

This Contempt Petition has been filed for the alleged disobedience of the order dated 15.04.2021 passed by this Court in W.P.(MD).No.2053 of 2021.

2. The operative portion of the order reads as follows:

"12. In view of the above discussion, this Court deems it fit to remand the matter back to the file of the respondent. The petitioner is

directed to re-present the application along



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with all the necessary particulars and also with a detailed representation along with a copy of this order. The respondent on receipt of the same, shall consider the application on its own merits and in accordance with law and pass final orders within a period of eight weeks from the date of receipt of a copy of the application from the petitioner."

3. Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondent, has placed before this Court an order dated 20.07.2021 in compliance of the order dated 15.04.2021 passed by this Court in W.P.(MD).No.2053 of 2021. According to him, the respondent has complied with the directions of this Court by passing a final order.

4. However, according to the learned counsel for the petitioner, a detailed order has not been passed and the conduct of the contemnor will have to be deprecated by this Court. The petitioner has already filed a Writ Petition in W.P.(MD).No.334 of 2022 as against the order dated 20.07.2021 which has been placed before this Court today by the learned Additional Government Pleader.

5. This Court is of the considered view that since the said order has already been challenged, no useful purpose would be served if this Contempt Petition is kept pending till the outcome of the said Writ Petition. Accordingly, after recording the order dated 20.07.2021 passed by the respondent pursuant to the directions given by this Court on 15.04.2021 in W.P.(MD).No.2053 of 2021, this Contempt Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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

Mohan,
The Member Secretary/Deputy Director,
Office of Town Planning Authority,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL GP (SR-15050[F] dated 29/03/2022)

Cont.P. (MD) .No.502 of 2022
in

W.P. (MD) .No.2053 of 2021
28.03.2022

MGJ(07.04.2022) 3P 3C