



Cont.P(MD)No.760 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cont.P(MD)No.760 of 2021

in

W.P(MD)No.6848 of 2020

D.Johnson

... Petitioner

Vs.

1.M.Arvind, I.A.S.,
The District Collector,
Nagercoil,
Kanyakumari District.

2.Santhi,
The Sub-Collector,
Padmanabhapuram,
Kanyakumari District.

3.Jegan Mohan,
The Divisional Engineer,
National Highways,
Nagercoil,
Kanyakumari District.

4.Jagatha,
The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents



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Prayer:- Contempt Petition is filed under Section 11 of Contempt of Courts Act, praying to punish contemnors/respondents for their wilful disobedience of the order of this Court, dated 18.06.2020, made in W.P(MD)No.6848 of 2020.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

Alleging that the order of this Court in W.P(MD)No.6848 of 2020, dated 18.06.2020, has not been complied with, the petitioner has come up before this Court with this Contempt Petition.

2.The petitioner filed a Writ Petition in W.P.(MD)No.6848 of 2020, to direct the second respondent to take appropriate action so as to remove the standing trees in the National Highways, which is posing danger to him and his house as well as to the Public at km 614/2 in NH 47, by considering his representation, dated 25.01.2020.



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3.This Court, vide order dated 18.06.2020, allowed the said Writ Petition, directing the respondents to take necessary steps for removing the trees, which are posing danger to the petitioner house as well as to the local public within a period of four weeks. Since the same has not been considered by the respondents, the petitioner has filed the present Contempt Petition.

4.Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents as per the order of this Court, dated 18.06.2020, made in W.P.(MD)No.6848 of 2020, the respondents have removed one Banyan tree and one Mango tree at S.No.553.

5.The learned counsel appearing for the petitioner submits that those trees are not posing danger and the tree, which is now standing in front of the commercial complex, has to be removed. However, the photographs produced by the petitioner would show that the said tree is standing on the right side of the petitioner's commercial complex, which is not posing danger to the Public or disturbance to anybody. If the petitioner's contention is accepted, then, all the trees standing in the highways, which are near to the buildings, should be



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removed. That being the case, this Court is not inclined to accept the submission of the learned counsel appearing for the petitioner. Just because the tree is standing in front of commercial complex, the same cannot be removed at whims and fancies of the concerned person. Hence, this Court is inclined to impose cost on the petitioner. Accordingly, the petitioner is directed to pay Rs.500/- [Rupees Five Hundred only] to the District Siddha Medical Officer CCRI PKM [A/c.No.10767823177, IFSC Code:- SBIN0000898, State Bank of India, Periyakulam Branch], within a period of one week.

6.This Contempt Petition stands closed accordingly.

Post the matter on **12.10.2022**, for reporting compliance.

28.09.2022

Index : Yes / No
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