



Cont.P.(MD)No.809 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cont.P(MD).No.809 of 2021

in

W.M.P(MD).No.7188 of 2021

Thirumaniraja

... Petitioner/Petitioner/Petitioner

Vs.

Ms.Saranya,
The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

...Contemnor/Respondent/Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/respondent for willful disobedience of the order dated 12.05.2021 passed in W.M.P.(MD)No.7188 of 2021 in W.P.(MD)No.7188 of 2021.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.N.Anandakumar

ORDER

This Contempt petition has been filed alleging disobedience of the order passed by this Court in W.M.P.(MD)No.7188 of 2021 in W.P.(MD)No.7188 of 2021, dated 12.05.2021.



2. The learned counsel for the petitioner submitted that this Court by an order, dated 12.02.2021 has granted an order of interim stay for demolishing the shops, which were leased out to the petitioner. But in violation of the said order, the respondent had demolished the same.

3. The learned counsel for the respondent submitted that the respondent did not know about the order passed by this Court and he was also not served with the same and hence, the authorities concerned have demolished the temporary shops. No willful disobedience was made by the respondent.

4. It is submitted by the petitioner that the order was sent to the respondent on 13.05.2021 and also through E-mail on 13.05.2021 at 09.41 a.m.. But there is no proof to show that the order copy has been sent to the respondent. It is also not known that the e-mail, that has been sent by the petitioner, has been received by the respondent.

5. For the above reasons, this Court is of the view that no *prima facie* case has been made out for issuance of willful disobedience of the order passed by this Court against the respondent. Accordingly, this Contempt Petition is closed.



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6.At this juncture, the petitioner sought liberty to workout his remedy. It is seen that the interim was passed in the miscellaneous petition and the writ petition filed by the petitioner is still pending. It is always open to the petitioner to workout his remedy in the pending writ petition.

10.11.2022

Index : Yes / No

Internet : Yes / No

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To

Ms.Saranya,
The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.



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V.BHAVANI SUBBAROYAN,J.,

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