



Cont.P.(MD)No.936 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Rev.Aplc(MD)No.131 of 2022
and
Contempt Petition(MD)No.936 of 2022
in
S.A(MD)No.672 of 2016

Rev.Aplc(MD)No.131 of 2022

The Municipal Commissioner,
Kulithalai,
Rep.by its Executive Authority,
The Commissioner.

... Review Petitioner/Appellant

Vs.

- 1.Srinivasan (died)
- 2.The Kulithalai Co-operative Buildings
Society Limited,
Kulithalai,
Rep. by its Secretary,
Kaveri Nagar,
Kulithalai.
- 3.The Deputy Registrar,
Co-operative Society,
(House Construction Works),
Mannarpuram,
Trichy.
- 4.The Deputy Director,
Town and Country Planning Scheme,
Raya Road,



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Cantonment,
Trichy.

- 5.The State of Tamil Nadu,
Rep. by its District Collector,
Collectorate,
Trichy.
6.T.Mahamuni
7.Gowribai
8.Manimegalai
9.Sivakumar
10.Manickamanivasagam
11.Karpagavalli

... Respondents/Respondents

Prayer : Petition filed under Section 114 & Order 47 Rule 1 of Civil Procedure Code, to review the judgment and decree of this Court dated 01.02.2022 made in S.A(MD)No.672 of 2016, rectify the same.

For Petitioner	: Mr.K.Govindarajan
For R2	: Mr.K.Govindarajan
For R3 to R5	: Mr.S.Shanmugavel
	Additional Government Pleader

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- 1.Gowribai
2.Manimegalai
3.Sivakumar
4.Manickamanivasagam
5.Karpagavalli

... Review Petitioner/Appellant

Vs.

- 1.Mr.P.Subburam
The Municipal Commissioner,
The Executive Authority,
Kulithalai Municipality.



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2.Mr.S.Rajamoharan,
Secretary,
The Kulithalai Co-operative Buildings Society Ltd.,
Kulithalai, Kaveri Nagar,
Kulithalai.

3.Mr.Arthanareeswaran,
Tee Deputy Registrar,
Co-operative Society,
(House Construction Works),
Mannarpuram,
Trichy.

4.Mr.R.Valavanathan,
The Deputy Director,
Town and Country Planning Scheme,
Rayalroad, Cantonment, Trichy. ... Contemnors/Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, to take contempt proceedings against the Contemnors for willful disobedience of the order passed by this Court in S.A(MD)No.672 of 2016, dated 01.02.2022.

For Petitioner	: Mr.B.Senthil Nathan
For R1	: Mr.A.N.Ramanathan
For R3 to R5	: Mr.S.Shanmugavel
	Additional Government Pleader

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ORDER

The petitioner has taken a stand that this Court directed the appellant and the respondents 2 to 4 to pay the amount of Rs.13,23,960/- on or before



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31.05.2022 to the credit of O.S.No.222 of 2001, on the file of the Principal District Munsif Court, Kulithalai, failing which from 1st June, 2022 onwards 12% interest will be paid by the appellant.

2. The learned counsel for the appellant would submit that the Court ought to have fixed the percentage of compensation to be paid out of Rs. 13,23,960/- by the appellant and the respondents 2,3 & 4 to avoid conflict.

3. On going through the records, it is seen that the Court was of the view that the said Municipality, who was laid the road for the benefit of general public. In the order, dated 01.02.2022 this Court has erroneously directed the appellant and the respondents 2 to 4 to pay the said amount instead of directing the appellant Municipality alone to pay the said amount.

4. Accordingly, this Court directs appellant Municipality represented by the Commissioner, Kulithalai alone to pay the said amount on or before 31.12.2022. The payment of compensation shall be paid to the plaintiffs directly by RTGS and the payment shall be acknowledged by the said party and the same shall be produced before the trial Court.



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5. In view of the above, the review application is allowed.

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6. The contempt Petition has been filed by the plaintiffs/respondents 7 to 11 against the contemnor for not complying with the order passed by this Court, dated 01.02.2022 in S.A(MD)No.672 of 2016.

7. In view of the order passed in Rev.Aplc(MD)No.131 of 2022, this contempt petition is closed. If the appellant/Municipality is not complying with the order within the time frame fixed by this Court, the contempt petitioners are at liberty to file a fresh contempt application.

Index :Yes/No
Internet :Yes/No
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V.BHAVANI SUBBAROYAN, J.

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and
Contempt Petition(MD)No.936 of 2022

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