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Cont. Petn. No.1275 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Contempt Petition No.1275 of 2023

Senthilkumar.D.

Petitioner

...VS...

1. Mr.B.Thiyagarajan,
The Tahsildar,
Alandur Tahsildar Office,
St. Thomas Mount, Alandur,
Chennai- 600 016.
2. Mr.S.Baskaran,
The Zonal Officer cum Assistant Commissioner,
Greater Chennai Corporation,
Zone-XII, Alandur,
Chennai- 600 016.
3. Mr.Chowthri,
Superintending Engineer (Highways),
Construction and Maintenance,
Chennai Circle, No.299, Anna Salai,
Teynampet, Chennai-600 006.

(Suo motu impleaded as third Respondent
as per the order of this Court dated 25.07.2023

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made in Cont.Petn.No.1275 of 2023)

4. Mr.Arutchelvan
Executive Officer,
Arulmigu Ramanadeeswarar Temple,
Porur, Chennai- 600 116.

(Suo motu impleaded as fourth respondent as per
the order of this Court dated 19.10.2023 made in
Contempt Petition No.1275 of 2023)

Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts
Act, 1971, seeking to punish the respondents herein for their willful
disobedience of the order of this Court in W.P.No.13721 of 2021 dated
02.07.2021 under the provisions of Contempt of Courts Act, 1971.

For Petitioner	Mr.S.Vijayakumar Senior Advocate for Mr.K.Balaji
For Respondents	Mr.A.Selvendran (R1) Special Government Pleader Mrs.Aswini Devi (R2) standing counsel (Corp.) Mr.K.Karthikeyan (R4) Government Advocate (HR & CE)

ORDER



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(Order of the Court was made by **S.VAIDYANATHAN,J**)

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This contempt petition has been preferred seeking to punish the respondents for the alleged non compliance of the order dated 02.07.2021 passed by this Court in W.P.No.13721 of 2021.

2. On 21.11.2023, this Court has passed the following order:

"When the matter was taken up for hearing, Mr.K.Karthikeyan, learned Government Advocate appearing for HR & CE submitted that all the encroachments have been removed and it will take some time to clean the area.

2. The learned counsel appearing for the Petitioner submitted that only some portion of the encroachment has been removed and all the encroachments have not been removed.

3. In reply, the learned Government Advocate submitted that there is no encroachment as on date and assured that entire area will be cleaned before 12.12.2023 after removal of encroachment, if any. He further submitted that the HR & CE has written a letter to Tamil Nadu Electricity Board, to disconnect the electricity in order to enable them to clean the area of encroachment. TNEB is expected



to disconnect the power supply to the violated areas/residences/commercial building etc., after putting the persons occupying the encroached/violated portions on notice.

For reporting compliance, post on 12.12.2023."

3. Today, when the matter was taken up for hearing, the learned counsel appearing for the Respondents submitted that pursuant to the aforesaid order dated 21.11.2023, the electricity board has disconnected the electricity connection and debris were also been removed and the entire area was taken possession by the temple and therefore the order passed by this Court on 02.07.2021, in W.P.No.13721 of 2021 has been fully complied with. An affidavit of the 4th Respondent dated 18.12.2023 along with photographs has also been filed to that effect. The relevant paragraph of the said affidavit is extracted hereunder:

"8. I humbly submit that, based on the application dated 30.10.2023 and also pursuant to the above order passed by this Hon'ble Court, on 28.11.2023, electricity board has disconnected the electricity connection. Further, on 29.11.2023 and 30.11.2023, all the debris was removed and the entire area had been taken possession by the temple and the



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same is fenced by putting barbed wire. As on date the said place, is in the possession of the temple."

3. Recording the aforesaid submissions made by the learned counsel for the Respondents and recording the aforesaid affidavit dated 18.12.2023, this Contempt Petition stands closed.

(S.V.N., J.) (S.K.R., J.)
19.12.2023

arr

S. VAIDYANATHAN, J.
and
SENTHILKUMAR RAMAMOORTHY, J.



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19.12.2023