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Cont.petr.No.2887 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12.06.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Contempt Petition No.2887 of 2023

A.Jahir Hussain

...

Petitioner

...Vs...

1. Mr.Rafiqullah,
The Chief Executive Officer,
Tamil Nadu Waqf Board,
No.1, Jaffer Syrang Street,
Vellal Seethakathi Nagar,
Chennai 600 001.
2. Mr.B.V.Surendra Sha,
The Commissioner,
Villupuram Municipality,
Villupuram.
3. Mrs.Premalatha
The Assistant Engineer,
Tamil Nadu Electricity Board,
14/5, 4th Cross Street,
East Shanmugapuram Colony,
Villupuram.
4. Mr.Selvaraj
5. S.Sundari



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6. A.Ayesha

7.N.Iqbal

8.B.Jaffer Ali

9. K.Aarifa

10.S.Basha

11.G.Senthil Kumar

12. S.Selvam

13.Kalaivasan

14.Sheik Allah Baksh

15.Poovarsan

16.Hussain

17. Balkis Babu

18. Darvesh

19.Allah Baksh

....

Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to issue notice to the 2nd Respondent and punish him for willful disobedience of order of this Court and thereby committed contempt of the order dated 04.03.2022 in W.P.No.4395 of 2022.



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For Petitioner : Ms.Karthika Ashok
for Ms.Ajimath Begum

For Respondents : Mr.A.Selvendran (R1)
Special Government Pleader
Mr.P.Srinivas (R2)
Standing Counsel
Mr.Avinash Wadwani (R1)
Standing Counsel
Mr.K.Sukumaran (R9,R12,R16,R17,
and R19)

ORDER

This contempt petition is filed alleging non compliance of the order passed by this Court on 04.03.2022 in W.A.No.4395 of 2022.

2.This matter has been listed today along with the connected Review Petition being Rev.Ptn. No.38 of 2023, which was taken up and disposed of vide separate order. The operative portion of the said order reads as under:

"5. Considering the submissions made by the learned counsel appearing for the Review Petitioners, as the Review Petitioners have not been heard in the Writ Petition, we are of the view that paragraph 6 of the order dated 04.03.2022 made in W.P.No.4395 of 2022 alone needs to be expunged and it is ordered accordingly. However, it is made clear that the other portion of the order under review remains unaltered.

6. We make it very clear that the issue as



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S.VAIDYANATHAN, J.

AND

SATHI KUMAR SUKUMARA KURUP, J.

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to whether the property belongs to the Wakf Board or not is left open as the same can be decided only after hearing the Review Petitioners by the authorities in terms of paragraphs 4 and 5 of the order dated 04.03.2022 passed in W.P.No.4395 of 2022 and others who are likely to be affected. The Electricity Department will have to abide by the decision taken by the Commissioner of Villupuram Municipality as reflected in paragraph 3 of the said order passed in W.P.No.4395 of 2022. The authorities are expected to hear the parties on a day-to-day basis without adjourning the matter beyond three working days at any point of time and take a decision at the earliest."

3. Since, the order dated 04.03.2022 made in W.P.No.4395 of 2022 is reviewed in the aforesaid terms, it is open to the parties to file a fresh contempt petition based on the order dated 12.06.2023 passed in Rev.Ptn. No.38 of 2023.

4. With the above observation, this Contempt Petition stands closed.

[S.V.N,J.] [S.S.K,J.,]

12.06.2023

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