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Contempt Petition No. 2154 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 2154 of 2023

1. K.Ravi
2. Senthilkumar
3. Rajendran
4. Vaithilingam

... Petitioners

-VS-

1. Thiru.Stalin Babu
The Commissioner
Tharamangalam Municipality
Tharamangalam
Salem District.

2. R.Ilanji

... Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the First Respondent for the willful disobedience of the orders passed by this Court dated 26.06.2023 in W.P. No. 18901 of 2023.

For Petitioner : Mr. K.A.Prabakaran

For Respondents : Mr. P.Sathish (R1)
Mr. C.Prabakaran (R2)



Contempt Petition No. 2154 of 2023

ORDER

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Heard Mr. K.A.Prabaharan, Learned Counsel for the Petitioner, Mr. P.Sathish, Learned Counsel appearing for the First Respondent and Mr. C.Prabakaran, Learned Counsel appearing for the Second Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. This Contempt Petition is prosecuted for failure of the First Respondent to comply with the order dated 26.06.2023 in W.P. No. 18901 of 2023 passed by the Court.

3. In furtherance to the order passed on 26.06.2023 in W.P. No. 18901 of 2023 by the Court, the First Respondent has filed a compliance report dated 26.09.2023 stating as follows:-

“3. I state that this Hon'ble Court by an order dated 26.06.2023 was pleased to pass the following order in W.P. No. 18901/2023 and the same reads as follows:-

“6. In the light of the above discussion, there shall be a direction to the 4th respondent to act upon the representations made by the petitioners and conduct an



WEB COPY



Contempt Petition No. 2154 of 2023

enquiry after giving an opportunity to the 5th respondent.

If the 5th respondent is found to collect excess toll charges in violation of the terms and conditions of the license, the 4th respondent shall proceed further in accordance with law. This process shall be completed by the 4th respondent, within a period of four weeks from the date of receipt of copy of this order.

7. *The petitioners are directed to make a fresh representation to the 4th respondent along with a copy of the earlier representations and also a copy of this order.*

8. *This writ petition is disposed of in the above terms.*
No costs."

4. *I state that pursuant to the orders of this Hon'ble Court in W.P. No. 18901 of 2023 dated 26.06.2023, this respondent has considered the representation of the petitioners and has ordered to form a committee consisting of the Municipality Engineer, Manager, revenue Inspector and the Sanitary Inspector to inspect and report on the complaints made by the petitioner as against the 2nd respondent for excess collection of toll charges in the Daily Vegetable Market.*



5. *I state that as per the letter vide Na.Ka.No.744/2023/A1 dated 21.07.2023, the above mentioned members of the committee inspected the Daily Vegetable Market in person on 02.08.2023 and has submitted a report after conducting enquiry with the vendors of the Daily Vegetable Market stating that there is no irregularity in collection of toll by the 2nd respondent and it is further relevant to state that all the toll collection receipts are stamped by this office every week and this is correlating with the register maintained in this office and the toll collection is being done in full compliance as fixed by the Tharamangalam Municipality.*

6. *I state that this respondent after perusing the report of the committee has passed a detailed order vide Na.Ka.No.744/2023/A1 dated 03.08.2023 and the same has been communicated to the petitioners.”*

In view of the same, nothing remains for further consideration in the Contempt Petition. However, if the Petitioner has any other grievance he is not precluded from working out his remedies before proper forum in the manner recognized by law.



Contempt Petition No. 2154 of 2023

WEB COPY

In fine, the Contempt Petition is closed. No costs.

16.11.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 31.01.2024.

Maya

To

Thiru.Stalin Babu
The Commissioner
Tharamangalam Municipality
Tharamangalam
Salem District.



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Contempt Petition No. 2154 of 2023

P.D. AUDIKESAVALU, J.

Maya

Contempt Petition No. 2154 of 2023

16.11.2023