



Cont.P(MD)No.38 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Cont.Petition(MD)No.38 of 2023

in

W.P(MD).No.26061 of 2022

G.Thirumurugan @ Theeran Thirumurugan

... Petitioner

Vs.

1.P.Ananth

The Divisional Railway Manager
Divisional Railway Manager Office
DRM Complex, Southern Railway
Madurai District

2.Tamil Nadu Chamber of Commerce and Industry

Represented by its President
Having office at No.178B
Kamarajar Salai, Madurai 625 009

3.The Madurai Corporation

Represented by its Commissioner
Madurai Corporation Office
Aringar Anna Maligai
Madurai District

...Respondents



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(Respondents 1, 2 & 4 deleted
vide Court order dated 24.01.2023)

(R3 impleaded vide Court order dated 14.06.2023
in Sub. A(MD).No.143 of 2023)

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, to initiate contempt proceedings against the contemnors/Respondent Nos.1 to 3 and 5 for their willful disobedience to the order of this Court in W.P(MD).No.26061 of 2022 dated 14.12.2022 and punish them under the contempt of Court Act, 1971.

For Petitioner	: Mr.R.Alagumani
For R1	: Mr.K.Govindarajan Deputy Solicitor General of India Assisted by Mr.D.Saravanan Central Government Senior Standing Counsel
For R2	: Mr.Babu Rajendran For M/s.KV Law Firm
For R3	: Mr.S.Vinayak : Mr.R.Gandhi Senior Counsel Amicus Curiae

ORDER

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

This contempt petition has been instituted to punish the respondents for their wilful disobedience of the order of this Court, dated 14.12.2022.



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2. Pursuant to the final order passed in the writ proceedings, the contempt proceedings was initiated and this Court has issued further direction to relocate the Fish Statue, which was originally installed in front of Madurai Railway Junction. Accordingly, the metal Fish Statue was removed by the Southern Railway and kept in a safe custody for the purpose of reinstallation in any suitable place.

3. Now, the learned counsel appearing on behalf of the second respondent/Tamil Nadu Chamber of Commerce and Industry, filed a memo stating that they have already identified a suitable place for installation of the Fish Statue with the assistance of the Committee constituted by this Court and accordingly, suitable directions are to be issued to hand over the Fish Statue to the second respondent, Chamber of Commerce who in turn will reinstall the said Fish Statue in the place already identified by the Committee.

4. The learned Amicus Curiae made a submission that in the interest of public, the Corporation of Madurai has already passed a resolution allotting the identified place in favour of the Chamber of Commerce/second respondent only for the purpose of installation of the metal Fish Statue. Accordingly the sentiments attached with the Statue more specifically by the people living in Madurai, has been honoured.



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5. Since the suitable location has been identified and it is submitted that the location identified is no way causing any hindrance or congestion to the free flow of traffic in that locality and unobjectionable, we are inclined to direct the Southern Railway to hand over the metal Fish Statue to the second respondent, Chamber of Commerce, who in turn shall install the same in the identified place. In respect of other issues, if any, it is for the parties to approach the competent authority. The Southern Railway is directed to hand over the Fish Statue within a period of two weeks from today.

6. With the above directions, this Contempt Petition is disposed of. No costs.

(S.M.S., J.) & (R.V., J.)

16.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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