



Cont.P(MD)No.341 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.341 of 2023

in

W.P(MD)No.20401 of 2022

Shahul Hameed Padusha Andavr Kadir Oula Durgah,
(Wakf No.G.S.No.819/1956),
Represented by its Hereditary Haqdars, Inamdars,
1.Peer Pakkar Mohamed, 2.Peer Ahamed,
4,Meera Pallivasal Street,
Melapalayam,
Tirunelveli.

... Petitioner /
Petitioner

Vs.

1.Jahangir Bathusha,
Assistant Commissioner,
Tirunelveli Corporation,
Melapalayam Zone,
Tirunelveli.

2.Ramaswamy,
Town Surveyor,
Tirunelveli Corporation,
Melapalayam Zone,
Tirunelveli.

... 1st & 2nd Respondents/
Contemnors



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents 1 and 2 herein / Contemnors for their deliberate and willful disobedience of the order of this Court dated 30.08.2022 passed in W.P(MD)No.20401 of 2022 which is amounting to and pass such further or other order as this Court may deem fit.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mrs.M.Anitha

Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the Tirunelveli Corporation.

2.The petitioner herein filed W.P(MD)No.20401 of 2022 and this Court vide order dated 30.08.2022 directed to dispose of the petitioner's application on certain terms. Alleging that the order passed by this Court has been breached, the petitioner filed this contempt petition.

3.When the matter was taken up for hearing, Thiru.Ramasamy, learned counsel appearing for the sixth respondent in the main writ



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petition intervened and informed the Court that the sixth respondent in the writ petition has filed writ appeal challenging the order passed by this Court.

4.I called upon the learned counsel to explain to me as to how the order passed by this Court has affected his rights. The learned counsel was asked to read the directions one by one. He came to direction No.IV. Direction No.IV reads as follows:

“(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.”

5.In this case, the survey application given by the petitioner herein was considered by the authority. They have examined the records. Even before conducting enquiry, they had noted that in view of pendency of O.S.No.310 of 2019 on the file of Wakf Tribunal it will not be possible for the authority to conduct the survey and had directed the applicant to await the outcome of the wakf Original Suit. Communication to this



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effect dated 14.12.2022 has been served on the applicant. It is for the applicant to question the same in the manner known to law. Even though W.P(MD)No.20401 of 2022 was disposed of at the admission stage without notice to the private respondents therein, their rights have been adequately protected. The true purport of the order passed by this Court has not been understood. I do not find any breach of the order passed by this Court. This contempt petition stands closed.

14.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
MGA

To

1.The Assistant Commissioner,
Tirunelveli Corporation,
Melapalayam Zone,
Tirunelveli.

2.The Town Surveyor,
Tirunelveli Corporation,
Melapalayam Zone,
Tirunelveli.



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G.R.SWAMINATHAN, J.

MGA

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