



Cont. P.(MD) No.376 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

Cont. P. (MD) No.376 of 2023
in W.P. (MD) No.18534 of 2022

Jayarajakani

... Petitioner / Petitioner

Vs.

Mr.S.Visakan,
The Commissioner,
Madurai Corporation,
Madurai.

... Contemnor/Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to take severe action against the respondent herein for his wilful and wanton disobedience of the order passed by this Hon'ble Court in W.P.(MD) No.18534 of 2022 dated 16.08.2022.

For Petitioner : Mr.A.Banumathy
For Respondent : Mr.S.Vinayak
Standing Counsel



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ORDER

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(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Contempt Petition has been filed for the alleged disobedience of the order passed by the Division Bench of this Court dated 16.08.2022, made in W.P. (MD) No.18534 of 2022.

2. Today, when the Contempt Petition is taken up for hearing Mr.S.Vinayak, learned Standing Counsel appearing for the respondent Corporation submitted that, the order of this Court has been complied with. In support of his contention, he has produced the copy of the two communications dated 23.12.2022 and 18.01.2023. By relying upon these two communications, learned Standing Counsel appearing for the respondent would submit that the disputed land i.e., a pathway is concerned, that has been inspected and found that, there has been no encroachment in the pathway except some plantations and therefore, that cannot be treated as an encroachment, accordingly, the representation given by the petitioner having been considered was disposed by the proceedings, he contended.



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3. However, Ms.A.Banumathy, learned counsel appearing for the petitioner would submit that even in the very Writ Petition, in the affidavit filed in support of the Writ Petition, the petitioner has pointed out that, by nurturing some plants in the very pathway itself, the ingress and egress of the Colony people is being prevented, therefore, that itself should be treated as an encroachment, for which alone the petitioner had filed the Writ Petition.

4. Be that as it may, insofar as the direction given by this Court is concerned, the representation given in this regard by the petitioner has been directed to be considered within a time frame by the respondent, which they have considered and passed an order as stated supra. If at all the petitioner felt aggrieved over the said order, it is open to her to challenge the same in the manner known to law.

5. In view of the aforestated, this Contempt Petition is closed.

(R.S.K., J.) & (S.S.Y, J.)
18.04.2023

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