



Cont.P(MD)No.1270 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**Cont.P(MD)No.1270 of 2023
in
W.P(MD)No.21190 of 2022**

A.K.Baskar

... Petitioner

-VS-

1. Mrs.M.S.Sangeetha, I.A.S.
The District Collector,
Madurai District,
Madurai.

2. Mr.Praveen Kumar,
The Commissioner,
Madurai Corporation,
Aringar Anna Maligai,
Madurai-02.

3. Mr.Muthupandian,
The Tahsildar,
South Taluk,
Madurai District.

... Respondents

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their willfully disobeying and non complying with the order of this Court in WP(MD)No. 21190 of 2022 dated 23.11.2022.



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For Petitioner : Mr.J.Senthil Kumar
For R1 & R3 : Mr.M.Lingadurai
Special Government Pleader
For R2 : Mr.S.Vinayak

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Alleging wilful disobedience of the order made in WP(MD)No.21190 of 2022 dated 23.11.2022, this Contempt Petition is filed.

2. The petitioner filed the above writ petition for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 and 5 in the common pathway connecting Prassana New Colony – Semburani Road situated at Avaniyapuram, Madurai South, Madurai, based on the representation, dated 14.07.2022.

3. This Court by order dated 23.11.2022 has disposed of the said writ petition with the following direction:-

"4. In view of the abovesaid submissions, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the



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representation of the petitioner, dated 14.07.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the respondents 4 and 5 and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order."

4. This Court finds that the aforesaid writ petition filed by the petitioner was disposed of at the admission stage without notice to the respondents 3 and 4.

5. The learned standing counsel appearing for the Commissioner, Madurai Corporation, has produced before this Court, the order passed by this Court dated 18.07.2023 in W.P(MD)No.14238 of 2023 filed by one Irulanndi who is the 4th respondent in WP(MD)No.21190 of 2022 filed by the petitioner. Pursuant to the direction of this Court, the Assistant Commissioner, Madurai Corporation, has passed the order directing the writ petitioner in in W.P(MD)No.14238 of



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2023/Irulandi to remove the encroachment put up by him. This Court taking note of the fact that the official respondents have not conducted any survey in the in the presence of the petitioner therein, allowed the writ petition in W.P(MD)No.14238 of 2023 with a further direction to the Tahsildar concerned to demarcate and identify the encroachment if any in the public pathway in question. The facts recorded in W.P(MD)No.14238 of 2023 show that the respondents have taken appropriate action for removal of encroachment and therefore, the order of this Court in the earlier writ petition filed by the petitioner is complied with in letter and spirit.

6. Recording the compliance of the direction of this Court, this Contempt Petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
17.08.2023

Index : Yes / No
Neutral Citation : Yes / No
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