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Contempt Petition (MD) No. 1171 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2023

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

Contempt Petition (MD) No. 1171 of 2022

M.Raja Ilango

... Petitioner

-VS-

Mr. R.Laxmanan
Executive Officer,
Arulmigu Sokkanatha Swamy Thirukoil,
Virudhunagar.

... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Contemnor/Respondent for willful disobedience of the order of this Court dated 23.03.2022 in W.P. (MD) No. 5124 of 2022.

For Petitioner : Mr. K.V.Subramanian

For Respondents : Mr. P.Mahendran



ORDER

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Heard Mr. K.V.Subramanian, Learned Counsel for the Petitioner and Mr. P.Mahendran, Learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Contempt Petition has been prosecuted by the Petitioner alleging that there has been disobedience of the order dated 23.03.2022 in W.P (MD) No. 5124 of 2022 passed by this Court, which reads as follows:-

"4. The petitioner appears to be a sub-tenant of one Chidambaram, who had also filed a writ petition before this Court in W.P.(MD) No.6895 of 2018, wherein the order dated 28.02.2018 in R.C.No.68049/2017/D2 and the demand notice dated 09.03.2018 of the Takkar of the temple therein were challenged. The said writ petition was also dismissed with a liberty to file a statutory appeal before the Appellate Authority under Section 114 of the HR & CE Act, 1959. It appears that the original tenant, Chidambaram has also passed away after the said order was passed. The petitioner continues to be in possession of the property.



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5. *The learned counsel for the 3rd respondent submits that the petitioner has paid a sum of Rs.75,000/- yesterday and that there is still a balance of Rs.2,56,786/- (Rs. 3,31,786/- – Rs.75,000/-) for use and occupation of the property.*

6. *However, considering the fact that the petitioner has been in occupation of the property and considering the fact that the petitioner cannot be evicted except in accordance with the provisions of the HR & CE Act, I am inclined to dispose of this writ petition by directing the petitioner to pay the balance amount of Rs.2,56,786/- to the 3rd respondent within a period of 15 days from the date of receipt of a copy of this order. If such amount is paid, the official respondents may consider the case of the petitioner sympathetically for giving a tenancy right to the petitioner by entering into a fresh lease agreement with the petitioner. It is needless to state that such exercise shall be carried out after giving notice to the legal heirs of the deceased tenant, Chidambaram."*



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The Respondents have filed a memo dated 15.09.2022 stating that the Petitioner did not make payment of the arrears of rent of Rs. 2,56,786/- as directed in the aforesaid order and in view of the same, the property in unauthorized occupation of the Petitioner has been sealed on 27.04.2022 in eviction proceedings. It is further informed that another Writ Petition in W.P (MD) No. 9328 of 2022 filed by the Petitioner for continuance of tenancy has been dismissed at the admission stage itself on 05.05.2022 by the Court.

3. In such circumstances, there does not appear to be any act of contempt having been committed by the Respondent warranting initiation of Contempt Proceedings against the Respondent.

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

07.02.2023

PKN

Index : Yes/No

Internet: Yes/No

Note: Issue order copy by 26.05.2023.



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P.D. AUDIKESAVALU, J.

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