



WEB COPY

Cont.P.(MD) No.1420 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P.(MD) No.1420 of 2023
in
W.P.(MD) No.3155 of 2023**

Thirunavukarasu

... Petitioner

-vs-

C.Arumugam
Commissioner
Melur Municipality
Madurai District

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondent for the willful disobedience of the order passed by this Court in W.P.(MD) No.3155 of 2023, dated 16.02.2023.



WEB COPY

Cont.P.(MD) No.1420 of 2023

For Petitioner : Mr.K.Jeyamohan
For Respondent : Mr.Veera Kathiravan
Additional Advocate General
Mr.S.P.Maharajan
Special Government Pleader
Mr.K.Mahendran
for R4 in W.P.(MD) No.3155 of 2023

ORDER

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

This contempt petition has been filed alleging willful disobedience of the order, dated 16.02.2023, made in W.P.(MD) No.3155 of 2023.

2. It is not in dispute that the writ order has been passed at the admission stage.

3. Learned counsel appearing for the fourth respondent in the writ petition made a submission that the authorities have not afforded any opportunity to the fourth respondent, namely, Duraipandi to defend his case.



Cont.P.(MD) No.1420 of 2023

WEB COPY

4. Learned counsel appearing for the contempt petitioner made a submission that the respondent herein has failed to implement the order passed by this Court willfully knowing the fact the fourth respondent in the writ proceedings with the assistance of the village people put up some illegal construction in the public land.

5. Learned Additional Advocate General appearing for the respondent made a submission that the authorities inspected the subject land and found that a temple has been constructed in the land classified as “Mandhai”. Even three idols are installed in the land classified as “Mandhai”.

6. Learned counsel for the petitioner objected the said contention by stating that the idols are installed on the road along with the compound wall, which is also an illegal construction.

7. We have perused the sketch produced by the respondent. As per the sketch produced, idols are installed in the land classified as “Mandhai” and a compound wall has also been constructed therein. By virtue of the said



Cont.P.(MD) No.1420 of 2023

WEB COPY

compound wall, access to the petitioner's land has not been denied and the fourth respondent in W.P.(MD) No.3155 of 2023 undertakes that he is not objecting the petitioner to have access to his property through the existing road. That apart, other street is also available for the usage of the petitioner on the southern side of his property. If at all the petitioner is of the opinion that his civil rights are affected, he is at liberty to institute a civil suit before the competent court of law for the purpose of establishing his civil rights, including easmentary right.

8. With the above observations, this contempt petition is closed.

[S.M.S., J.]

[L.V.G., J.]

21.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



WEB COPY



Cont.P.(MD) No.1420 of 2023

S.M.SUBRAMANIAM, J.
and
L.VICTORIA GOWRI, J.

krk

Cont.P.(MD) No.1420 of 2023

21.11.2023

Page 5 of 5