



CONT.P.(MD)No.1708 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.1708 of 2023

in

W.P.(MD)No.1236 of 2020

S.Nithyanandam

... Petitioner

Vs.

1.Santhi,

The Additional District Magistrate,
Paramakudi Taluk,
Ramanathapuram District.

2.Abthab Rasool,

The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

3.Thirumal Selvam,

The Commissioner,
Paramakudi Municipality,
Ramanathapuram.

4.R.V.Sethraman,

Samundeswari Mara Ilaipagam,
3/845, J3, LIC Bank Side,
Bharathi Nagar, Paramakudi,
Ramanathapuram.

... Respondents



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Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents for the deliberate and willful disobedience of the order dated 25.07.2022 of this Court made in W.P.(MD)No.1236 of 2020.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.D.Senthil for R4.

ORDER

Heard both sides.

2.Alleging that the activities of the fourth respondent are causing nuisance, the petitioner filed W.P.(MD)No.1236 of 2020. The said writ petition was disposed of in the following terms:-

“4.The writ petition is disposed of in the following directions:-



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“(i) The fifth respondent shall not use any HP motor for carrying on his activities after 06.00 pm or before 09.00 am. In other words, no sound shall emanate from the fifth respondent's premises either before 09.00 am or after 06.00 pm.

(ii) The fifth respondent shall install sound obstructors so that even between 09.00 am to 06.00 pm, there would not be any generation of noise beyond approved decibel levels.

(iii) The activities shall be carried on only within the shop premises and not in the open space so as to avoid air pollution. The fifth respondent shall strictly adhere to the aforesaid directions. No costs.”

The petitioner contends that the directions given by this Court have not been complied with.

3.To arrive at truth, the parties may have to lead evidence. In contempt proceedings, it may not really be possible. I, therefore, close this contempt petition with liberty to the petitioner herein to file a suit for abatement of nuisance. If any suit is filed, it shall be taken on file immediately. If any interlocutory application is filed by the petitioner, it



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will be given disposal on merits and in accordance with law. Liberty is given to the petitioner to avail any other remedy open to him.

4.With this liberty to the petitioner, this contempt petition is closed.

01.11.2023

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

To:-

1.Santhi,
The Additional District Magistrate,
Paramakudi Taluk,
Ramanathapuram District.

2.Abthab Rasool,
The Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

ias

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