



Cont.P.(MD) No.1739 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P.(MD) No.1739 of 2019
in
W.P.(MD) No.1665 of 2017**

K.Shanmugasundaram

... Petitioner

-VS-

1.Harihara Sudhan
Proprietor of
Gowry Krishna Hotel
Byepass Road
Opp.Tamilnadu Transport
Corporation Ltd.,
Madurai

2.The Commissioner
Madurai Corporation
Madurai
[R2 is impleaded vide Court order
dated 11.12.2019 in Sub.A.(MD) No.
304 of 2019]

... Respondents



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WEB C **PRAYER:** Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the respondent for committing grave contempt and gross disobedience of the order passed by this Court in W.P.(MD) No.1665 of 2017, dated 31.07.2017.

For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.Satheesh Parasaran, Senior Counsel
assisted by Mr.J.Pandi Dorai for R1
Mr.R.Murali for R2

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

It is the complaint of the petitioner that the National Highway is being used as a parking lot. There is already a direction by the Division Bench of this Court, wherein it has been made clear that public place should not be used as a parking area. It is the case of the petitioner that the said order has not been complied with.

2. Learned Senior Counsel appearing for the first respondent would submit that the first respondent had purchased a land and provided enough car parking and if somebody parks their cars on the road, it is for the



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authority concerned to take action. Unfortunately, the petitioner has not chosen to make either the Traffic Police or the National Highways Authority as a party respondent to the writ petition. It is only the Traffic Police or the National Highways Authority that is entitled to take action for illegal parking on the roads, which are declared as National Highways. The Commissioner, Madurai Corporation or the District Collector, Madurai District, cannot be asked to monitor the parking of vehicles on the National Highways as it would be beyond their powers.

3. Hence, this contempt petition is closed with a direction to the Commissioner, Madurai Corporation / second respondent to inform the concerned Traffic Police to take action against the illegal parking of vehicles.

[R.S.M., J.]

[L.V.G., J.]

20.06.2023

(3/3)

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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