



WEB COPY



Cont.P.(MD) No.2150 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Cont.P.(MD) No.2150 of 2023

in

W.P.(MD) No.9769 of 2023

C.Sankaranarayanan

... Petitioner

Vs.

1.Mr.Durai Ravichandran,
The District Collector,
Tenkasi District,
Tenkasi.

2.Mr.Sabanayagam,
The Commissioner,
Sankarankovil Municipality,
Tenkasi District.

3.Mr.Murugan,
The Town Surveyor,
Sankarankovil Municipality,
Tenkasi District.

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the Contemnors / respondents for disobedience of the order of this Court made in W.P.(MD) No.9769 of 2023, dated 25.04.2023.



For Petitioner : Mr.S.Veluchamy

For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R1 & R3

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The Contempt Petition has been instituted to punish the respondents for their wilful disobedience of the orders passed by this Court dated 25.04.2023, in W.P.(MD) No.9769 of 2023.

2. The order of this Court reads as under:-

“6.Recording the aforesaid submissions, without expressing any opinion on the prayer sought for by the petitioner, this writ petition is disposed of directing the official respondents to remove the encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

3. Learned counsel for the petitioner mainly contended that the order of this Court has not been complied with and the respondents have failed to remove the encroachments.



Cont.P.(MD) No.2150 of 2023

4. Learned Special Government Pleader objected the said contention by relying on the letter of the Commissioner, Sankarankovil Municipality, dated 18.07.2023, and states that order has been complied with in letter and spirit by ascertaining the facts regarding the subject property.

5. The subject property is a private property and a civil suit is pending. More so, this Court has passed an order, directing the respondents to remove the encroachments, after affording sufficient opportunity. Such opportunity was provided and that being the factum, the petitioner has not established any wilful contempt, warranting interference.

6. Consequently, the Contempt Petition stands dismissed.

(S.M.S., J.) & (V.L.N., J.)
22.11.2023

NCC : Yes / No
Index : Yes / No
SJ



Cont.P.(MD) No.2150 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

- 1.Mr.Durai Ravichandran,
The District Collector,
Tenkasi District,
Tenkasi.
- 2.Mr.Murugan,
The Town Surveyor,
Sankarankovil Municipality,
Tenkasi District.

Cont.P.(MD) No.2150 of 2023

22.11.2023