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CONT.P.No.645 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CONT.P.No.645 of 2024

and

SUB.APPL(OS).No.191 of 2024

M.Thangaraj

... Petitioner

Vs.

Selvi. Nithya,
Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.

... Respondent

Prayer: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, pleaded to punish the respondent for the willful disobedience of the orders of this Court passed in W.M.P.No.464 of 2022 in W.P.No.408 of 2022 dated 10.01.2022 under the provisions of Contempt of Courts Act.

For Petitioner

: Mr.V.Elangovan

For Respondent

: Mr.L.P.Maurya
Standing Counsel



CONT.P.No.645 of 2024

ORDER

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

The Commissioner, Mettur Municipality filed a status report in CONT.P.No.559 of 2022, which reads as under;

“4. I respectfully submit that to evict the remaining 56 shops, a survey was undertaken by the Respondent and Notices were served under Section 128 of Tamil Nadu Local Bodies Act, (as amended 2022) 1998 on 19.06.2024 to remove the encroached portion which was in excess of the lease area allotted by the Municipality. I respectfully submit that out of the 56 remaining encroachers, 17 vendors whose bunk stall were in excess of the allotted lease area have voluntarily come forward and submitted written replies agreeing to remove the encroached area which was in excess of the lease area allotted. As a result, these 17 vendors have already removed the encroached area.

5. I respectfully submit that the remaining 39 encroachers were served with. I respectfully submit that out of 39 encroachers, 13 vendors removed the encroachments in the road margin



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CONT.P.No.645 of 2024

which were in excess of the lease area on 09.08.2024. I respectfully submit that the remaining 26 encroachments were removed by the Respondent on 09.08.2024.

6. I respectfully submit that a Notice under Section 128 of the Tamil Nadu Local Bodies Act, (as amended 2022) 1998 was served to the said Thangarajon 26.07.2024 who has encroached more than 10 x 9 to him and he agreed to remove the encroached portion and also gave a letter on 12.08.2024 stating that he will remove the encroachment and accordingly he has removed the encroached portion which was in excess of the lease area and submitted photographs to establish the same.”

2. In view of the above version made in the status report, no further adjudication needs to be undertaken. Consequently, the Contempt Petition stands closed. No costs.

[S.M.S., J.] [V.S.G., J.]
13.08.2024

Jeni
Index : Yes
Speaking order / Non-speaking order
Neutral Citation : Yes / No



CONT.P.No.645 of 2024

To
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The Commissioner,
Mettur Municipality,
Mettur Dam,
Salem District.



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CONT.P.No.645 of 2024

S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.

Jeni

CONT.P.No.645 of 2024

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