



WEB COPY



Cont.P.No.2466 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE **S.S. SUNDAR**  
AND  
THE HONOURABLE MR. JUSTICE **N.SENTHILKUMAR**

**Cont.P.No.2466 of 2024**

1.J.Dharmasgaran  
2.D.Santhakumari  
Petitioners

...

Vs.

1.S.Sivarasu, I.A.S.,  
Directorate of Municipal Administration,  
75, Urban Administrative Building,  
Santhome High Road, MRC Nagar,  
Raja Annamalaipuram, Chennai – 28.

2.M.Senthil Murugan,  
The Commissioner,  
Kancheepuram Corporation,  
Kancheepuram.

... Respondents

Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to initiate contempt proceedings against the respondents for having wilfully disobeyed the order dated 19.03.2024 in W.P.No.6936 of 2024 passed by this Court and punish them under the relevant provision of the Contempt of Courts Act, 1971.



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For Petitioners : Mr.M.Gnanasekar  
For Respondents : Dr.T.Seenivasan,  
Spl. Govt. Pleader for R1  
Mr.Arun Dhanapalan,  
Standing Counsel for R2

**ORDER**

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

This contempt petition is filed alleging wilful disobedience of the order of this Court dated 19.03.2024 made in W.P. No.6936 of 2024.

2. While disposing of the writ petition filed by the petitioners for issuance of writ of mandamus, this Court directed the first respondent to consider and dispose of their appeal dated 06.02.2024 and their application to regularise their building. The said writ petition was disposed of in the following manner:

*'4.Having regard to the limited scope of the prayer now made by the learned counsel for the petitioner before this Court, without expressing any opinion on the merits of the petitioner's case, the 1<sup>st</sup> respondent is directed to consider and dispose of the appeal filed by the petitioner, dated 06.02.2024. on merits and in accordance with law, within a period of 16 weeks from the date of receipt of a copy of this order, and communicate the decision to the petitioner. The private respondent may also be heard*



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*by the 1<sup>st</sup> respondent when the appeal is disposed of on merits. Till such time the 1<sup>st</sup> respondent disposes of the appeal on merits, the 2<sup>nd</sup> respondent shall not take any coercive steps.'*

3. Though this Court directed the first respondent in the writ petition to consider the petitioners' appeal as well as application to regularise the petitioners' building, the second respondent, who is not competent, dismissed the appeal filed by the petitioners vide proceedings dated 21.06.2024. However, learned Standing Counsel for the second respondent submits that the said order has been passed by inadvertence. He further submits that the first respondent has issued notice to the petitioners to appear for enquiry but the petitioners have not appeared for the enquiry.

4. Having regard to the attitude and conduct of the petitioners, this Court is not inclined to entertain the contempt petition. Learned counsel for the petitioners himself has stated that the contempt petition may be permitted to be withdrawn.

5. Having regard to the fact that this Court has issued notice, it may not be appropriate for this Court to permit the petitioners to withdraw the contempt petition. However, taking note of the nature



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of the submission made by the learned counsel for the petitioners as well as learned counsel for the respective respondents and the fact that the petitioners are asked to appear for enquiry by the first respondent, this Court is unable to find any wilful disobedience on the part of the first respondent. Therefore, with a direction to the first respondent to proceed further with the enquiry and pass appropriate orders, this contempt petition is closed.

**(S.S.S.R., J.) (N.S., J.)**  
**15.10.2024**

Index : Yes / No  
Neutral Citation : Yes / No  
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and  
N.SENTHILKUMAR, J.**

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