



Cont.P.No.2799 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

Contempt Petition No.2799 of 2023

1.S.Prabhu
2.Kalpana

... Petitioner

-Vs-

Tmt.Banumathy
The Commissioner
Panruti Municipality
Cuddalore.

... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the willful disobedience of the orders of this Court in Review Application No.64 of 2023 dated 08.08.2023.

For Petitioners	:	Mr.G.Sankaran, Senior Counsel for M/s.S.Nedunchezhiyan
For Respondent	:	Mr.P.Srinivas, Standing Counsel Ms.Iswarya S.Nathan - Petitioner in W.P.

ORDER

(Order of the Court was made by **K.KUMARESH BABU, J.**)

The instant Contempt Petition has been filed complaining violation of the order dated 08.08.2023 in Review Application No.64 of 2023.



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2. When the contempt petition is taken up for hearing today, Mr.G.Sankaran, learned Senior Counsel appearing for the petitioners would submit that, as the owner of the property has not given the No Objection Certificate, the Municipality has not considered the application made by the petitioners and therefore they are willing to pull down the temporary structure that has been put up on the land and use the land as such. The said undertaking is recorded by this Court.

3. However Ms.Iswarya S.Nathan, learned counsel appearing for the land owner / petitioner in the writ petition, who is not a party to this contempt petition has raised serious objection as regards the handing over possession to the petitioners. She has also brought to our notice that two civil suits in O.S.No.64 of 2017 and O.S.No.99 of 2018 filed by the petitioner against the land owner are pending on the file of the District Munsif Court, Panruti and that in I.A.No.556 of 2018 in O.S.No.99 of 2018, an order of interim injunction has been granted in favour of the petitioners against the land owner.

4. In such view of the matter, we are not inclined to accept the objections raised by the learned counsel for the land owner. In view of the specific undertaking given by the learned Senior Counsel appearing for the petitioners, we do not find any violation of the order as complained by the petitioner and the contempt petition is accordingly closed. The petitioners shall remove the offending



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structure within a

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period of one (1) week from today. The respondent Municipality shall affirm the removal of the structure by the petitioners and thereafter permit the petitioners to be in possession of the property subject to the outcome of the suits pending between the petitioners and the land owner.

(R.S.K.,J.) (K.B.,J.)
03.01.2024

Index : Yes
Internet : Yes
Neutral Citation : Yes
KST

To

Tmt.Banumathy
The Commissioner
Panruti Municipality
Cuddalore.



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R.SURESH KUMAR, J.
and
K.KUMARESH BABU, J.

KST

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