



Sub Application No.1102 of 2024
in Cont.P.No.2377 of 2024

Sub Application No.1102 of 2024
in Contempt Petition No.2377 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(Order of the court was made by the Hon'ble Chief Justice)

On 5.11.2024, this Court had disposed of the contempt petition,
being Contempt Petition No.2377 of 2024, with the following order:

“Counsel for respondent Corporation states that steps have been taken and the final notice dated 04.11.2024 has been issued to the encroacher to remove the temple which is constructed on public road. Counsel states that if, within one week, the encroacher does not remove the encroachment, respondents 1 and 2 shall ensure that the encroachment is removed within a week thereafter.

2. Statement is accepted as a further undertaking to this Court. Failure to comply with this undertaking will be viewed as aggravated contempt.

3. Senior Inspector of concerned Police Station is directed to extend all assistance requested by respondents 1 and 2, at the time of removal of encroachment, should the need arise.

4. Petition is disposed of. Consequently, interim application also stands disposed of.”

2. Subsequently, an application was filed by original respondent



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No.4, against whom no contempt was alleged, to permit him to address this Court since advocate's name did not appear in the cause-list and, hence, original respondent No.4 was not represented. We permitted learned counsel to address this Court and listed the matter today.

3. Learned senior counsel for original respondent No.4, at the outset, submitted, relying upon a judgment of the Apex Court in ***Sudhir Vasudeva, Chairman & MD. ONGC and others v. M.George Ravishekaran and others***¹, as to what is the power vested in the High Courts to punish for contempt and how such power should be exercised.

4. In our view, these submissions are not relevant, inasmuch as this Court has not held anybody guilty of contempt. In the order dated 5th November, 2024, this Court only recorded the statement of counsel for the Corporation that if the encroacher does not remove the encroachment, the Corporation shall ensure the encroachment is removed.

¹ (2014) 3 SCC 373



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5. Therefore, we see no reason to modify or recall the earlier order dated 5th November, 2024.

6. Sub Application No.1102 of 2024 is disposed of.

(K.R.SHRIRAM., C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

14.11.2024

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