



Cont.P.(MD).No.184 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

Cont.P.(MD).No.184 of 2024
in
W.P.(MD).No.5064 of 2023

M.Udhayakumar

.. Petitioner

Vs.

L.Madhubalan,
The Commissioner,
The Corporation of Madurai,
Arignar Anna Maligai,
Madurai District.

.. Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to initiate contempt proceedings against the contemnor/respondent and punish him for the wilful disobedience of the order of the High Court in W.P.(MD).No.5064 of 2023 dated 31.08.2023.

For Petitioner : Mr.P.Vetrivel
for Mr.S.Rajasekar

For Respondent : Mr.S.Vinayak
Standing Counsel



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ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Contempt Petition is filed alleging that the order of this Court passed in W.P.(MD).No.5064 of 2023, dated 31.08.2023, has not been complied by the Commissioner, Corporation of Madurai, who is the first respondent in W.P.(MD).No.5064 of 2023.

2. The order of this Court dated 31.08.2023, which is now alleged to be disobeyed, reads as follows:

“2. According to the petitioner, the respondents 4 to 11 have carried out unauthorized construction.

3. The reply is filed by the second respondent affirming the above unauthorized construction.

4. The learned Standing Counsel for the respondent Corporation submits that effective steps would be undertaken by issuing appropriate notices to the persons carrying out unauthorized constructions in respect of the subject land.



5. In view of the said statement, no further orders are necessary to be passed. It is made clear that we are not deciding the rights of the parties.

6. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.”

3. According to the petitioner, while this Court has directed the respondents to take action against the unauthorized construction, which is admitted by the second respondent therein, instead of taking action to remove the unauthorized construction, they remained silent. Hence, on 04.12.2023, the petitioner has sent a contempt notice and thereafter, the present Contempt Petition is filed.

4. The learned Standing Counsel appearing for the respondent Corporation would submit that pursuant to the directions of this Court in W.P.(MD).No.5064 of 2023 dated 31.08.2023, notice was issued to the occupants in Survey No.29/3, Vilangudi Bit-II Village, Madurai North Taluk, Madurai District and thereafter, proceedings were initiated for eviction. On completion of the said proceedings, notice was issued on 02.01.2024 directing the occupants to vacate from the unauthorized



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occupation after removing the illegal construction. However, one of the occupants, by name, Pon Ganesh, had approached the Division Bench of this Court by way of a Writ Petition in W.P.(MD).No.4128 of 2024 and has obtained an interim order of stay of further proceedings vide order dated 06.03.2024. The learned Standing Counsel further submitted that the petitioner is well aware of the said order dated 06.03.2024, since he is one of the respondents in that Writ Petition and a counsel, by name, Mr.Mahaboob Fazil took notice on behalf of the petitioner/fifth respondent therein.

5. On considering the facts, which are explicitly found from the interim order passed by this Court in W.P.(MD).No.4128 of 2024 dated 06.03.2024 and the submissions made by the learned Standing Counsel for the respondent, this Court finds that there is no ground to entertain this Contempt Petition, since this Court by order passed in W.P.(MD).No.5064 of 2023 dated 31.08.2023, directed the authorities to issue **appropriate notices** to the persons carrying out unauthorized constructions in respect of the subject land. Further, this Court has clarified that they are not deciding the rights of the parties.



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6. In the said circumstances, in obedience to the directions of this Court, the respondent has caused appropriate notice and proceeded with enquiry, which has culminated in issuing a notice for eviction. The said notice is under challenge in a fresh Writ Petition, in which the petitioner herein is also one of the respondents. Therefore, the petitioner has to participate in the proceedings pending in W.P.(MD).No.4128 of 2024 and work out his remedy. Since the directions of this Court have been scrupulously complied by the respondent, this Court finds no element of wilful disobedience of the order of this Court. Hence, the Contempt Petition is dismissed.

(G.J.,J.) (C.K.,J.)
20.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
The Commissioner,
The Corporation of Madurai,
Arignar Anna Maligai,
Madurai District.



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