



Cont.P.(MD) No.856 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

CONT.P.(MD)No.856 of 2020

in

W.P.(MD)No.17395 of 2019

S.Thirupathi

... Petitioner

-VS-

1.Sukumaran,

The Executive Officer,
Public Works Department,
(Water Resources Organization),
Periyaru Vaigai Basin Division,
Madurai – 625 002.

2.The Chief Engineer,

Public Works Department,
Madurai Region,
Tallakulam, Madurai – 2.

3.The Additional Chief Engineer,

Public Works Department,
Madurai Region,
Tallakulam, Madurai – 2.

... Respondents



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[R2 & R3 suo motu impleaded vide order dated 13.10.2020 made in

Cont.P(MD)No.856 of 2020]

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the contemnor / fourth respondent for his willful disobedience of the order passed by this Court in W.P.(MD)No. 17395 of 2019 dated 27.09.2019.

For Petitioner : Mr.P.Santhana Krishnan

For Respondents : Mr.P.Thilak Kumar

Government Pleader

ORDER

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

Alleging willful disobedience of the order passed by this Court in W.P. (MD)No.17395 of 2019 dated 27.09.2019, this Contempt Petition has been filed.

2.Out of the 30 encroachments recorded in the order passed in the writ petition, the respondents have filed a counter affidavit stating that 27 of those encroachments have been removed and among the remaining three, the eviction proceedings have been challenged by the individual encroachers and orders of interim stay have been granted and therefore, they are unable to proceed with the eviction.



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3.The learned Counsel for the contempt petitioner, on the other hand would submit that it is false to state that the entire encroachments have been removed and barring a few, many of the encroachments are still in place.

4.When specific averments have been made in a duly sworn-in affidavit, we are unable to accept the contention made by the petitioner which is based only on photographs, even in which only three houses are seen to remain in the said place. In our view, the action taken so far appears to be in compliance of the order passed by the Writ Court.

5.Accordingly, the contempt petition is closed.

[M.S.R., J.] & [A.D.M.C., J.]

13.12.2024

NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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