



CONT.P.(MD)No.2897 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CONT.P.(MD)No.2897 of 2024

in

W.P(MD)No.21430 of 2021

M.Selvakumar

... Petitioner

Vs

1. Pandian,
The Commissioner,
Thirumangalam Panchayat Union,
Thirumangalam, Madurai District.

2. Narmadha Kasimayan,
The Village President,
A.Kokkulam Village Panchayat,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, to to punish the Contemnors / respondents 3 and 4 for deliberate disobedience and violation of High Court order dated 20.11.2023 passed in WP(MD).21430 of 2021.

For Petitioner : Mr.Balamurugan S,

For Respondents : Mr.M.Siddharthan



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ORDER

Alleging wilful disobedience of the order passed by this Court in W.P.(MD)No.21430 of 2021, this Contempt Petition has been filed.

2.Pursuant to the earlier order passed on 06.12.2024, the Advocate Commissioner has submitted a report along with photographs and sketch. The findings of the Advocate Commissioner is extracted hereunder:

"FINDINGS OF THE INSPECTION"

The Hon'ble Court directed me to inspect the property in S.No.1/1, 1/3 and 27/5A1, situated in A.Kokkulam, Thirumangalam Taluk, Madurai District. I measured the lands around the suit properties to locate the survey stone with the help of Surveyor. The survey stone is identified in S.No.27/6B which is located at Southern side of the properties. The above said properties are located in Northern side. The boundary line were measured.

The petitioner is the owner of the land in Survey No.27/5A1 The extent of the property land is 45 cents.

The "Thengal Malai" is a hill situated in S.No.1/1 and the garbage yard is situated in S.No. 1/3.

The Petitioner land situated in adjacent to the garbage yard. The garbage yard is situated in between the 'Thengal Malai' and the petitioner's land



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The extent of the garbage yard is 2 Acres. The Western side of the garbage yard is fenced with tin sheets north to south 12 meters width and 8 meters height. Which is marked as A B in my sketch.

The west to east side of the garbage yard is fenced with tin sheets totally 88 meters width. Which is marked as BCD in my sketch. In the 88meter width tin sheets fence only 28 meters with 8 feet height. Which is marked as BC in my sketch and the remaining 60 meters of tin sheets fence is at a height of 10 feet. Which is marked as CD in my sketch. There is no fencing on the north side of the garbage yard. Infact the north side of this garbage yard was covered by hill alone, without any fence. The entrance area on the eastern side of the garbage yard is not fenced and no doors are available and it is open.

The eastern side of the garbage yard is the front side and its length is 17.6 meters from south to north. Which is marked as ED in my sketch. The tin sheet fence around the garbage yard has a small gap between each tin sheet and the gap is at least 10cm.

When I visited the property there is some garbage lying at the petitioner's land and there were liquor bottles and medical waste like needles, bottles etc., All the medical waste like needles and medicine bottles were lying near the tin sheet fence at the petitioner's land.

There is no houses around the garbage yard. Only after a distance of 700 meters the houses are located. The area around the garbage yard is uncultivated and is a field with thorn trees scattered here and there.

I measured the property as per the warrant issued by this Hon'ble Court and also as per memo instructions of petitioner and respondent counsel with the help of the Surveyor I have personally taken photographs through my mobile phone and enclose the same which would show the location physical features of garbage yard. I have taken note of the same and the same is annexed here with. Since the report from the Surveyor is not yet received with the aid of the notes and photographs made during inspection, I have drafted this report and the



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same is placed here with for the appreciation of this Hon'ble Court"

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3.It is clear from the above that there is no serious violation of the order passed by this Court. There is some spillage that takes place on and off.

`4.The learned Additional Government Pleader appearing on behalf of the official respondents submitted that all steps are being taken to ensure that the garbage does not spill into the property of the petitioner. If at any point of time, any such spillage happens, the staff belonging to the Panchayat Union will clear the same and ensure that the petitioner's property is not affected due to the garbage.

5.This Court appreciates the work done by the learned Advocate Commissioner.

6.The report submitted by the learned Advocate Commissioner gave a lot of clarity on the status on the ground.



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7. Therefore, this contempt petition is closed.

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NCC : Yes/No
Index: Yes/No
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