



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Original Jurisdiction

Friday, the Twenty Fourth day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE M.S.RAMESH

AND

The HONOURABLE DR. JUSTICE A.D. MARIA CLETE

SUB A(MD).No.1 of 2024

in

CONT P(MD)No.1109 of 2017

in

WP(MD)No.8606 of 2016

S. Murali Sundaram,

... Petitioner/Petitioner

Vs

1 R. Vaithinathan,
The Commissioner,
Tiruchirappalli City
Municipal Corporation,
Tiruchirappalli-620001.

2 S.N. Shanmugam,
The Assistant Commissioner,
Ponmalai Zone
Tiruchirappalli City Municipal Corporation
Circuit House Road,
TVS Toll Gate
Tiruchirappalli-620001.

... Respondent/Respondent



Prayer :-

Sub Application filed under Section 151 civil procedure Code to Reopen the Contempt Petition (MD). No. 1109 of 2017 into file by setting the order dated 06.12.2023 and consider the matter afresh with an opportunity to the petitioner to present the case and pass such further or other order/orders as this Court.

Prayer in CONT P(MD)No.1109 of 2017:

Petition filed under Section 11 of contempt of courts Act,1971,to punish the respondents for the will disobedience of the order dated 3.3.2017 passed in W.P (MD) No.8606/2010 by this High Court.

Prayer in WP(MD). 8606/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an order or a writ in nature of Certiorarified Mandamus calling for the records culminated in the impugned notice in Na.Ka.No.F1/937/06/pon/dated 17.07.2008 on the file of the 5th respondent in respect of the pathway comprised in New TS No.43 of ward 42, Block AG15, India Bank Colony, Simco Meter Road, Tiruchirappalli Taluk and District and quash the same as void, illegal, not in accordance with law, arbitrary and directing the respondent 1 to 6 by way of Mandamus to remove the encroachments committed by the respondents 7 & 8 on the street comprised in New T.S.No.43 of Ward No.42 Block No AG 15, situate at Indian Bank colony, Simco meter Road, Tiruchirappalli Taluk and District.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. T.Muthuvel, Advocate for the Petitioner and of Mr. Henri Partick Tiphange, Advocate for the respondent(s), this Court made the following order:

Recording the Special Leave Petition filed before the Supreme Court, the Contempt Petition came to be closed on 06.12.2023. Learned Counsel for the



petitioner has produced a copy of the the order passed by the Honble Supreme Court in Civil Appeal Nos.1167-1170 of 2023 dated 24.02.2023, wherein the Hon'ble Supreme Court had remitted back the contempt petition in Cont.P(md)No.1109 of 2017, for deciding it afresh in accordance with law and on its own merits.

2. In view of the direction of the Hon'ble Supreme Court, the present application stands allowed.

3. Issue notice to the respondents through Court as well as privately, returnable by 27.02.2025.

Sd/-

Assistant Registrar (CO)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

TO

1. The Commissioner, Tiruchirappalli City
Municipal Corpration Tiruchirappalli-
620001.
2. The Assistant Commissioner Ponmalai Zone
Tiruchirappalli City Municipal Corporation
Circuit House Road Tvs Toll Gate
Tiruchirappalli 620001



Copy to:

The Section Officer,
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+ 3 cc to Mr.P.Muthuvel,sr.5303

ORDER DATED : 24/01/2025

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ORDER

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SUB A(MD). No.1 of 2024

in

CONT P(MD)No.1109 of 2017

in

WP(MD)No.8606 of 2016

Giving direction and etc.
as stated within.

BV (12/02/2025) 4P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.