

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13-7-2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

Contempt Petition. No.869 of 2015

G. Manimala Petitioner

Vs.

1. Dr.V.K.Shanmugam, I.A.S.,
District Collector,
Kancheepuram District,
Kancheepuram.
2. R. Panneerselvam,
Revenue Divisional Officer,
Kancheepuram District,
Kancheepuram.
3. Arul Anandam,
Special Tahsildar,
(Harijan Welfare - Land Acquisition),
Chengalpattu Taluk,
Kancheepuram District.
4. Jeevanantham,
Revenue Inspector,
Chengalput Kuruvattam,
Chengalpattu Taluk,
Kancheepuram District. Respondents

Contempt Petition filed under Section 11 of the
Contempts of Courts Act praying to punish the respondents
for non-complying the order of this Court dated 2.3.2015
made in W.P.No.5408 of 2015.

For Petitioner :Mr.N. Kamaraj

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents :Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

ORDER

(Order of the Court was made by **SATISH K. AGNIHOTRI, J.**)

This contempt petition is filed by the writ petitioner in W.P.No.5408 of 2015 complaining non-compliance of the order of this Court dated 2nd March, 2015. This Court, while considering the said writ petition along with other writ petitions, by order dated 2nd March, 2015 passed the following order:

"8. In view of the foregoing, we direct the authorities concerned to pass appropriate final orders under Section 6 of the Act within a period of six weeks from the date of receipt of a copy of this order. Needless to state that before such orders are passed, an opportunity of hearing shall be given to the alleged encroachers. It is made clear that no steps for removal of encroachment/eviction be taken till final orders are passed under Section 6 of the Act. It is further made clear that the authorities, while taking action for removal of the encroachment, should not adopt the policy of "pick and choose". The authorities must take action against all the encroachers, after affording an opportunity of hearing, in accordance with law and on merits."

Pursuant to the said order, it appears necessary action was taken for removal of encroachment.

2. Petitioner has filed the instant contempt petition stating therein that this Court by order dated 2nd March, 2015 directed that the encroachers be afforded an opportunity before taking recourse to remove the encroachment, without adopting the policy of "pick and choose". Whereas, without affording opportunity of hearing to the petitioner, respondents have proceeded with removal of encroachment.

3. Pursuant to notice, an additional affidavit dated 9th July, 2015 was filed by the Revenue Divisional Officer, Chengalpattu. It is clearly stated therein that pursuant to the aforesaid order dated 2nd March, 2015, petitioner was served notice under Section 7 of the Land Encroachment Act, 1905 on 6.1.2015 and thereafter a notice/order was passed under Section 6 of the Act on 20.2.2015. As the petitioner failed to take any action for removal of his own encroachment, a portion of the encroachment was removed on 4.3.2015 and thus, the authorities have acted strictly in accordance with the direction/observation made by this Court.

4. We have heard the learned counsel appearing for the parties and also perused the affidavits and other documents.

5. We are satisfied that proper procedure, as required under Law, has been followed before illegal encroachment was removed. Thus, no case for contempt has been made out and as such, the contempt petition is accordingly closed.

Vr

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/10/08/2015

One CC to Government Pleader, SR.8968

One CC to Mr.N.Kamaraj, Advocate SR.8873.