

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7.11.2016

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.PARTHIBAN**

**Contempt Petition No.1920 of 2015,
W.P.No.41022 of 2015
and
M.P.Nos.1 and 2 of 2015**

Contempt Petition No.1920/2015

R.Rajabharathi

Petitioner

Versus

Mr.S.Sivasubramanian,
Commissioner,
Pallavaram Municipality,
3rd Main Road, New Colony,
Chrompet, Tamil Nadu.

Respondent

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act arising out of the order dated 10.2.2015 passed in W.P.No.3254 of 2015.

For petitioner : Mr.S.Saravana Kumar
For Respondent : Mr.P.Srinivas

W.P.No.41022 of 2015

1. Mrs.S.Vani
2. Mrs.G.Sri Devi

Petitioners

Versus

The Municipal Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai.

Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to quash the records of the respondent's notice in Na.Ka.No.1812/2011 F-1 dated 11.12.2014 and consequential notice in Na.Ka.No.1594/15/F1 dated 1.4.2015 and quash the same.

For petitioner : Mr.G.Rajesh

For Respondent : Mr.P.Srinivas

ORDER

(Common order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. Regarding the encroachment of a poramboke land, an order has been passed by a Division Bench of this issuing direction to the respondent-authority to take action in accordance with law, but, despite the order, the encroachment is said to have been not removed and therefore, the present writ petition has been filed. In the meanwhile, the persons said to have encroached, have approached this court by filing a writ petition in W.P.No.41022 of 2015, challenging the order directing removal of encroachment, passed by the authority wherein also, while notice was issued, it was made clear that the pendency of such a writ petition is not a bar for the respondent therein to proceed in accordance with law. सत्यमेव जयते

3. Whiles, it is represented on behalf of the respondent-authority that the encroachment could not be removed as there is no protection as required in this regard, failing which, it would rather be difficult to remove the encroachment as ordered.

4. Hence, it is for the jurisdiction police concerned to extend police protection to remove the encroachment in question.

However, the respondents viz., the persons who are said to have

<https://hcservices.ecourts.gov.in/hcservices> encroached the land may appear, if they so desire and in such

event, the police would give them opportunity to explain with

regard to their case. The respondent-authority shall proceed forthwith to remove the encroachment with the assistance of the jurisdiction police. Such an exercise shall be done within a period of one month from the date of receipt of a copy of this order. The contempt petition is closed.

5. In view of the order passed in the contempt petition, the writ petition in W.P.No.41022 of 2015 is disposed of. No costs. The connected miscellaneous petitions are also closed.
ssk.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

CO/21/11/2016

One CC to Mr.S.Saravana Kumar, Advocate, SR.14355/2016

One CC to Mr.P.Srinivas, Advocate, SR.14400/2016

One CC to Dr.G.Krishnamurthy, Advocate, Sr.14346/2016

To

1.The Commissioner,
Pallavaram Municipality,
3rd Main Road, New Colony,
Chrompet, Tamil Nadu.

2.The Municipal Commissioner,
Pallavaram Municipality,
Pallavaram, Chennai.

3.The Public Prosecutor,
High Court,
Madras