

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM:

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

Contempt Petition No.2441 of 2015

M.S. Babu

Petitioner

Vs.

1 Mr. M. Gnanasekaran
District Collector
Thiruvannamalai District
Thiruvannamalai

2 Mr. Panneerselvam
Tahsildar
Thiruvannamalai

Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for wilful and deliberate disobedience of the order dated 12.06.2015 passed by this Court in W.P. No.11804 of 2014.

For petitioner Mr. K. Myilsamy

For respondents

Mr. P.H. Arvinth Pandian

Additional Advocate General

assisted by

Mrs. A. Srijayanthi

Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This contempt petition is filed alleging non-compliance of the order dated 12 June 2015 passed in W.P. No. 11804 of 2014.

On 12 June 2015, this Bench, while disposing of the writ petition filed by the present contemner, held as under:

"4. The entire petition is projected on the basis of certain allegations, which cannot be accepted, on the basis of self-serving averments in the affidavit. Thus, we deem it fit and proper to direct the respondents 1 and 2 / District Collector, Thiruvannamalai District and the Tahsildar, Thiruvannamalai, to have proper spot inspection and thereafter issue appropriate direction to the concerned authorities including the municipality to initiate action for removal of the alleged encroachment. Needless to state that all the alleged encroachers including the respondents 5 to 15 are entitled to an opportunity of hearing before any action is taken against them. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

3It is brought to our notice that despite the time schedule given by this Court, the authorities, on their own volition, did not take any action, which prompted the petitioner to file this contempt petition.

4 In response to this contempt petition, the District Collector, Thiruvannamalai, has filed compliance report dated 02 March 2016, stating as under:

"Amidst aforesaid inevitable circumstances I respectfully submit that I have conducted the enquiry with all private respondents S.Nos.5 to 15 and have passed orders on 19.02.2016 after following the due process of law. I further humbly submit after passing orders, I have directed the Commissioner to take action for removal of encroachment with police protection as there are several encroachers protesting eviction and created law and order issues.

I humbly submit that the Municipal Commissioner with the help of police have removed all the encroachments on 25/2/2016. I am enclosing the photographs for kind perusal of the Hon'ble Division Bench."

5In such view of the matter, we are not inclined to proceed with the matter further. However, it is pertinent to record the delay caused by the authorities in compliance of the order passed by this Court, on certain impermissible grounds. We warn the authorities concerned not to repeat such delays and adhere to the time schedule fixed by judicial orders, scrupulously.

The contempt petition is closed with the above observation. Mr.A.Gnanasekaran, I.A.S., District Collector, Thiruvannamalai, Mrs.A.Sundarambal, Municipal Commissioner, Thiruvannamalai and Mr. C. Panneer Selvam, Tahsildar, Thiruvannamalai, are present in the Court today and their presence is dispensed with.

SD/
DEPUTY 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.

To

1.District Collector
Thiruvannamalai District
Thiruvannamalai

2.Mr. Panneerselvam

Tahsildar
Thiruvannamalai

<https://hcservices.ecourts.gov.in/hcservices/>

/CO/20/04/2016

One CC to Government Pleader, SR.3513/2016

One CC to Mr.G.Rajan, Advocate, SR.3506/2016