

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contempt Petition No.1471 of 2016

Karammal

... Petitioner

Vs

Mr.Babu Robert
The Tahsildar
Mettupalayam Taluk
Coimbatore District.

... Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for disobeying the order passed by this Court dated 09.03.2015, in W.P.No.6291 of 2015.

For Petitioner : Mr.V.Sivakumar

For Respondent : Mr.R.Rajeswaran
Spl. Government Pleader

ORDER

This contempt petition has been filed against the non-compliance of the order and direction issued by this Court in W.P.No. 6291 of 2015 dated 09.03.2015.

2. Admittedly, the petitioner did not implead the person who is alleged to have encroached. Therefore, this

Court could not issue positive direction. However, the Tahsildar was directed enquire into the matter and pass an order

3.The allegation is that portion of road has been encroached and in this regard, the petitioner relied upon an information secured by one Mr.G.Pathirappan, under the Right to Information Act, vide reply dated 22.07.2010. After the Writ Petition was disposed of, the Tahsildar has passed order dated 10.06.2016, which shows that there is no cart track, as alleged by the petitioner in the village records.

4.On a perusal of the reply given under the Right to Information Act, it appears that an extent of 15 feet of patta land owned by Kammal, was utilised to lay the road. The Official who is present in Court from the Office of the Tahsildar, states that no acquisition was done.

5.Therefore, if the petitioner's definite case is that there is encroachment, then the petitioner is granted liberty to challenge the order dated 10.06.2016, implead the encroacher in the said Petition and place other records to substantiate the stand taken by the respondent is incorrect.

With the above liberty, Contempt Petition is closed.

Rpa

Sd/-
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/02/09/2016

One CC to Mr.V.Sivakumar, Advocate, Sr.No.8609/2016
One CC to Government Pleader, SR.No.8586/2016

To
Mr.Babu Robert
The Tahsildar
Mettupalayam Taluk
Coimbatore District.

सत्यमेव जयते
WEB COPY