

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.SUNDAR

Contempt Petition No.2455 of 2016

V.Gopal

Vs.

... Petitioner

1. Gajalakshmi
District Collector
Kancheepuram District.

2. Panneerselvam
District Revenue Officer
Chengalpattu.

3. Parimalavathani
Tahsildar
Chengalpattu.

... Respondents

PRAYER: Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful and deliberate disobedience of the order dated 8.3.2016 passed in W.P.No.8170 of 2016.

For Petitioner : Mr.L.Sankaran

For Respondents : Mr.T.N.Rajagopalan
Spl. Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

We have perused the affidavits of the first respondent and the third respondent in response to the notice in contempt for non compliance of the order dated

8.3.2016. The status report of the first respondent shows that the Collector, post receipt of the order on 11.3.2016, had taken necessary steps on 30.6.2016 as there was intervening election process. A reminder was also sent on 4.7.2016 but to no avail insofar as the third respondent/Tahsildar is concerned.

2. The aforesaid, thus, shows that not only is there a violation of the order by the third respondent, but non compliance with the directions of the first respondent.

3. It is as late as 24.11.2016 that in respect of the encroachments notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued, followed by Section 6 notice on 9.12.2016. It is stated that 12.12.2016 was fixed as the date for removal of encroachment. It appears that the encroachers had not only encroached on land, but resorted to road roko on 11.12.2016 and police assistance was sought. The Cyclone Vardah on 12.12.2016 has now delayed the action and the land encroachers in the meantime have filed an appeal under Section 10(a) of the said Act before the first respondent on 16.12.2016.

4. The learned Special Government Pleader states that this appeal will be decided within one month from today and dependent on the fate of the appeal, action in accordance with law will be taken. We take the aforesaid statement on record.

5. We cannot, however, absolve the conduct of the Tahsildar/third respondent completely. We, thus, warn the Tahsildar/ third respondent to be careful in future and necessary entries be made in the Service Register. The petitioner has borne the cost of the present litigation in the form of contempt petition. It is a fit case where the Tahsildar/third respondent must bear the cost of the litigation initiated by the petitioner and we quantify the cost at Rs.5,000/- (Rupees five thousand only) to be paid to the petitioner within two weeks from today.

The petition is, accordingly, closed.

SD/
JOINT REGISTRAR(OS)

sasi

//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.

SM/CO/23/12/2016

TO

The Tahsildar,
Chengalpattu.

One CC to Mr.l.Sankaran, Advocate, SR.NO.16773/2016
One CC to The Government Pleader, vide SR.NO.16721/2016.