



BEFORE THE MADRUAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2016

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Contempt Petition (MD)No.1069 of 2016

Francis Malarvizhi @ Malar,
D/o. (Late) A.Gratian

... Petitioner

Vs.

1.K.S.Palanichamy,
The District Collector,
Tiruchirappalli District.

2.Jeyachandra Banu Reddy,
The Revenue Divisonal Officer,
Revenue Divisional Office,
Lalgudi Taluk,
Tiruchirappalli District.

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971, for the wilful disobedience and non-compliance of the order passed by this Hon'ble Court in W.P.(MD)No.14093 of 2013, dated 25.09.2015.

Prayer in WP(MD)No.14093/2013:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ or order or direction more appropriately a writ in the nature of Writ of Mandamus directing the respondents 1 and 2 to act as per the provisions of Section 133 of Cr.P.C. and remove the obstructions made by the 3rd respondent over the irrigation channel and varappu situate at Mettupatti Revenue Village, Lalgudi Taluka, Trichy District.

For Petitioner : Mr.P.Thiyagarajan
for Ms.J.Maria Roseline

For Respondents : Mr.G.Muthukannan
Government Advocate

O R D E R

(Order of the Court was made by M.SATHYANARAYANAN, J.)

Alleging non-compliance of the order dated 25.09.2015, made in W.P.(MD)No.14093 of 2013, the present contempt petition has been filed.



2. The petitioner had filed W.P.(MD)No.14093 of 2013 praying for appropriate direction directing the respondents to act in accordance with Section 133 of Cr.P.C. and to remove the obstructions made by the third respondent over the irrigation channel and bund situated at Mettupatti Revenue Village, Lalgudi Taluk, Trichy District and this Court, vide order dated 25.09.2015 had disposed of the writ petition granting liberty to the petitioner to submit a fresh representation to the respondents and on receipt of the same, should be considered and orders have to be passed in accordance with law after affording a reasonable opportunity to the petitioner as well as the third respondent.

3. The petitioner expressing her grievance that despite the said order, her representation has not been considered, came forward to file this contempt petition and this Court permitted the petitioner to serve the papers on the learned Government Advocate appearing for the respondents, vide order dated 07.09.2016.

4. The learned Government Advocate appearing for the respondents would submit that subsequent to the notice ordered in the contempt petition, the District Investigating Committee Officer and the Revenue Divisional Officer [In-charge], Lalgudi, by his proceedings dated 20.09.2016, observed that the Canal situated in S.No.112/7 is a patta Canal and since there was no water flow in the patta Canal, it got obliterated and Agriculturists are using pump-sets to carry on their agricultural operations and that apart, the rival claimants have filed a suit in O.S.No.87 of 2009 on the file of Principal District Munsif Court, Lalgudi and obtained an order of ad-interim injunction and the same has been communicated by the District Investigation Committee Officer, Trichy and Revenue Divisional Officer (In-charge), Lalgudi, vide proceedings in Na.Ka.A3/26/2016, dated 20.09.2016 and prays for closure of this petition.

5. Mr.R.Thiyagarajan, learned counsel for the petitioner would submit that admittedly the Canal was in S.Nos.111/2, 111/3 and 111/4 and due to encroachment by the third respondent, it got obliterated and therefore, prays for appropriate orders to remove the obstruction in the patta Canal.

6. In the light of the said development, the contempt petition is closed and the petitioner is at liberty to file an appeal before the District Revenue Officer, Trichirappalli, and as and when the said appeal is received, if the papers are in order, the appellate authority is directed to consider the said appeal in accordance with law and dispose of the same as expeditiously as possible.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar



WEB COPY

1.K.S.Palanichamy,
The District Collector,
Tiruchirappalli District.

2.Jeyachandra Banu Reddy,
The Revenue Divisional Officer,
Revenue Divisional Office,
Lalgudi Taluk,
Tiruchirappalli District.

3.The District Revenue Officer, Trichirappalli.

+One cc to The Special Government Pleader, SR.No.55640

smn2
RL/5C/3P/SK/SKN/19.10.2016

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