



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

and

THE HONOURABLE MS. JUSTICE V.M.VELUMANI

CONT P(MD)No.1204 of 2016 in W.P(MD)No.18911 of 2015

B.Nallakurumban

... Petitioner

Vs.

K.R.Ravi

Tahsildar,

Usilampatti Taluk,

Madurai District

... Respondents

PRAYER: The Contempt Petition is filed under Section 11 of Contempt Act, praying to punish the Contemnor / 1st Respondent for his deliberate and willful disobedience of the order of this Court made in W.P(MD)No.18911 of 2015, dated 15.10.2015.

Prayer in WP(MD)No.18911/2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS to call for the records and quash the Impugned order passed by the 1st Respondent proceeding Na.Ka.No.7885/2015 Aa4 dated 18.09.2015 on the ground that the same is arbitrary, illegal, perverse and consequently directing the 1st Respondent to implement his previous order dated 13.08.2015 in his proceeding bearing Na.Ka.No.7885/2015/Aa4

For Petitioner : Mr.R.Shankar Ganesh

For Respondent : Mr.A.K.Baskarapandian

Special Government Pleader

ORDER

(Order of this Court was made by V.M.VELUMANI, J.)

Alleging disobedience of the orders of this Court made in W.P(MD)No.18911 of 2015, dated 15.10.2015, Contempt Application has been filed.

2. According to the petitioner, the second respondent in W.P.(MD)No.18911 of 2015 has encroached the land in question and therefore, he has given a representation to the respondent to remove the encroachment made by the second respondent in the Writ Petition. Though the respondent initially declared the said pathway as common pathway vide order, dated 13.08.2015, subsequently, he has set aside his previous order, dated 13.08.2015, without conducting any proper enquiry. Aggrieved by the same, the petitioner approached this Court and this Court,



vide order dated 15.10.2015, directed the petitioner to approach the competent Authority, as per the Government Order in G.O.(Ms) No.540, Revenue LD6(2) Department, dated 04.12.2014. Accordingly, the petitioner has approached the respondent through his representation dated 27.11.2015 and since no response is forthcoming on the side of the respondent, the petitioner has come out with the present Contempt Application praying to punish the respondent.

3. Mr.A.K.Baskarapandian, the learned Special Government Pleader appearing for the respondent has produced the order of the Tahsildar, Usilampatti, made in Na.Ka.No.7885/2015/R4, dated 23.09.2016 and would submit that the petitioner's representation dated 27.11.2015, has been considered and passed orders by the proceedings dated 23.09.2016 bearing Na.Ka.No.7885/2015/A4 holding that there is no encroachment in the Pusthi pathway being the land in question and rejected the representation of the petitioner. He would further submit that, since the order of this Court has been duly complied with, the respondent has not disobeyed the orders of this Court. He prayed for dismissal of the Contempt Application.

4. We have heard Mr.R.Shankar Ganesh, the learned counsel appearing for the petitioner and Mr.A.K.Baskarapandian, the learned Special Government Pleader appearing for the respondent / contemnors. We have also perused the materials placed before this Court.

5. The learned Special Government Pleader produced the order dated 23.09.2016 passed by the respondent after considering the representation of the petitioner. If the petitioner is aggrieved, it is open to him to challenge the said order passed by the respondent, dated 23.09.2016.

6. Recording the submission of the learned Special Government Pleader and above observation, the Contempt Petition is closed. However, there shall be no order as to costs.

Sd/

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

K.R.Ravi

Tahsildar, Usilampatti Taluk, Madurai District.

CONT P(MD) No.1204 of 2016 in

W.P(MD) No.18911 of 2015

26.09.2016