

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:16.08.2017

Coram

THE HONOURABLE **Mr. JUSTICE M.VENUGOPAL**
AND
THE HONOURABLE **Mr. JUSTICE P.D.AUDIKESAVALU**

Contempt Petition No.2732 of 2015

T.Rajasekaran ... Petitioner/Petitioner
Vs.

1.R.Gajalakshmi
The District Collector,
Kancheepuram District,
Kancheepuram.

2.Mr.Jayakumar,
The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur,
Chennai - 600 119.

..Respondents/Respondents

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the Respondents in accordance with law for disobeying the order dated 09.04.2015 passed in W.P.No.10328 of 2015.

For Petitioner : Mr.S.Udayakumar

For Respondents : Mr.K.V.Dhanapalan
Special Government Pleader

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides.

2.Earlier, this Court, on 09.04.2015 in W.P.No.10328 of 2015 at para 5, had passed the following order:

"5.In view of the limited relief sought by the learned counsel for the petitioner, this writ petition is disposed of by directing the first respondent to consider and pass orders on the petitioner's representation dated 27.12.2014 on merits and in accordance with law and also take further consequential action, if on proper survey and inspection of the lands in question, it is found that there exists encroachment, as claimed by the petitioner. Needless to state that while doing so, an opportunity of hearing be given to the third respondent. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order."

3.At this stage, the Learned Special Government Pleader appearing for the Respondents brings it to the notice of this Court that the 1st Respondent/District

Collector, Kancheepuram District had filed an Affidavit in Contempt Petition No.2732 of 2015 in W.P.No.10328 of 2015, wherein at para 8, it is mentioned as follows:

"8.It is humbly submitted that further enquiry was conducted on 29.03.2016. The Tahsildar and AD survey submitted their reports about the suit property. Based on the enquiry and the reports of Tahsildar, Sholinganallur and the AD Survey, this respondent has passed orders vide proceedings in Rc.No.205/2015/N1, dated 01.04.2016 and thereby complied the orders of this Hon'ble Court dated 19.06.2015."

4.Also that, it transpires from the Communication of the Additional Chief Secretary/Commissioner of Land Administration in Rc.No.T1/14093/2016 dated 04.08.2017 that the 3rd Respondent/ Educational Trust (in the Writ Petition) has preferred an Appeal under Section 10(c) of the Tamil Nadu Land Encroachment Act, 1905 against the orders of the District Collector, Kancheepuram and the date of enquiry was fixed on 14.09.2017.

5.In view of the above, this Court holds that nothing survives for adjudication in the Contempt Petition and accordingly, closes the Contempt Petition. It is abundantly made clear that the closure of the present Contempt

Petition will not preclude the Petitioner to seek recourse before the appropriate forum, by raising all factual and legal pleas, of course, in the manner known to Law and in accordance with Law, if he so desires/advised.

SD/-

JOINT REGISTRAR(OS)

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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CO/18/12/2017

To

1.R.Gajalakshmi
The District Collector,
Kancheepuram District,
Kancheepuram.

2.Mr.Jayakumar,
The Tahsildar,
Sholinganallur Taluk Office,
Sholinganallur,
Chennai - 600 119.

3.Th Government Advocate,
High Court, Madras.