

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2017

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

CONT.P.No.254 of 2017

Arulmigu Thaiyalnayagi Udanurai
Arulmigu Vaideeswaran Temple
rep. By its Managing Hereditary Trustee
P.N.Suryaprakasam

... Petitioner

Vs

Mr.A.Lakshmanan
Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai - 600 056.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act,
1971 to punish the respondent for having wilfully disobeyed the order of this
Court dated 2.11.2016 passed in W.P.No.36380 of 2016.

For Petitioner : Mr.S.Mohan

For Respondent : Mr.R.Vijayakumar, AGP

ORDER

Alleging that the order of this Court dated 02.11.2016 passed in W.P.No.36380 of 2016, has not been complied with by the respondent, the present Contempt Petition came to be filed.

2.On 27.10.2017, when the matter was taken up for consideration, this Court appointed one Mr.V.Rajanikanth as Advocate Commissioner to inspect the petitioner temple premises and ascertain (i)whether a proper survey had been conducted; (ii)whether the boundary stones had been fixed, after identifying the boundaries in the survey numbers belonging to the temple; and (iii)whether any illegal occupants have been still in occupation or had been removed as stated by the respondent and file a status report within a period of two weeks.

3.Accordingly, the learned Advocate Commissioner filed his status report dated 30.11.2017, to answer the afore referred queries raised by this Court, which read as follows:

"(i)Yes, a Proper survey had been conducted by the
Revenue Officials.

(ii)Yes, Boundary stones, had been fixed after identifying the boundaries in Survey No.474 measuring 5.92.00 Hrs and Survey No.475 measuring 0.10.50hrs.

(iii)The above survey numbers were fully occupied by building several houses and shops. There were several houses and shops in the above said survey numbers, thus making it difficult to ascertain whether they are holding it on license or not (rank encroachers). However, in so far as the encroachment said to have been committed by Sri Subramaniansamy Temple, I respectfully submitted that the above temple was built by encroaching 12 square meter (or) 39 square feet into the land belonging to the petitioner temple in Survey No.474."

Along with the report, the learned Advocate Commissioner enclosed the report prepared by the Revenue Official on the date of inspection.

4.The learned counsel for the petitioner has also satisfied with the report filed by the learned Advocate Commissioner.

5.In view of the above, we are of the opinion that since the prayer sought by the petitioner has been meted out, nothing survives for adjudication in this matter.

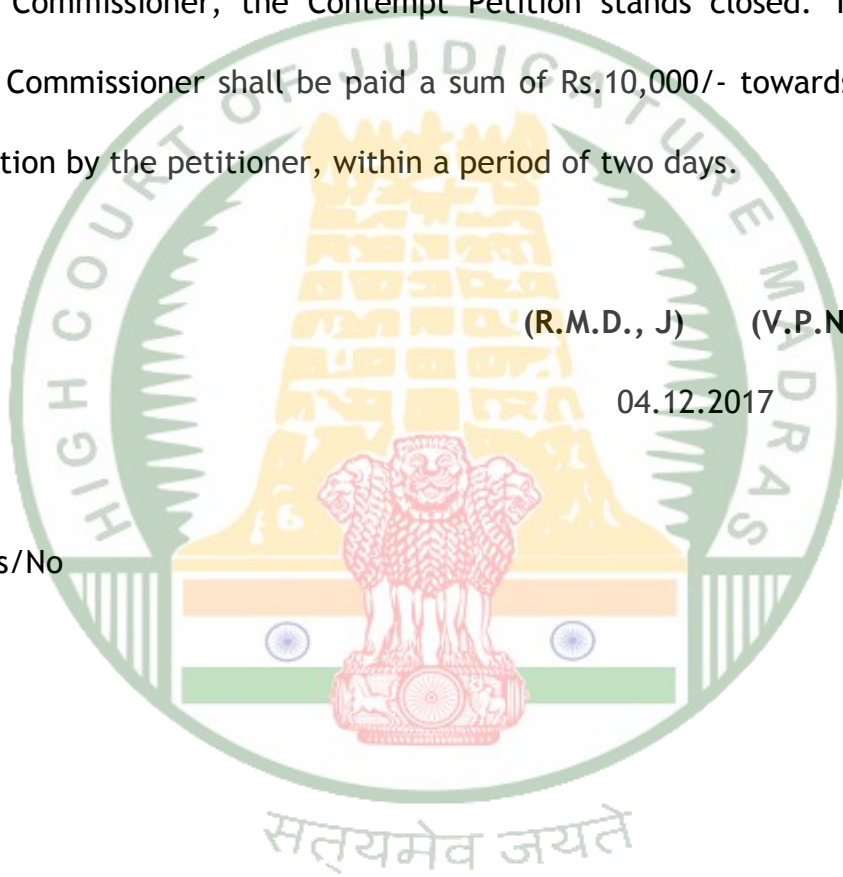
R.MAHADEVAN, J.
and
V.PARTHIBAN, J.

6.Hence, recording the report dated 30.11.2017 filed by the learned Advocate Commissioner, the Contempt Petition stands closed. The learned Advocate Commissioner shall be paid a sum of Rs.10,000/- towards additional remuneration by the petitioner, within a period of two days.

(R.M.D., J) (V.P.N., J)

04.12.2017

Index: Yes/No
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