



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.02.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Cont P.(MD).No.17 of 2016

M.Renganathan
Petitioner

.. Petitioner /

Vs

1.Thiru.Selvaraj,
The Joint Commissioner,
HR & CE Department,
Muthusamy Nagar,
Sivagangai

2.Thiru Durai,
The Superintendent of Police,
Sivagangai,
Sivagangai District.

3.Thiru. Jeyaseelan,
The Inspector of Police,
Kallal Police Station,
Sivagangai,
Sivagangai District.

4.Tmt. Selvi,
The Executive Officer,
HR & CE Government Office,
Kupudaiamman Kovil,
Sivagangai District.

... Contemnors /

Respondents 1-4

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying this Court to punish the contemnor for wilfully and deliberately disobeying the order of this Court made in WP(MD) No. 16344 of 2014 dated 25.09.2014.

Prayer in WP(MD). 16344/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 6 to initiate appropriate action against the 7th respondent by considering the representation dated 09.09.2014.



For Petitioner : Mr.K.C.Ramalingam
For Respondent : Mr.T.S.Mohammed Mohideen
Additional Govt. Pleader

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ORDER

This contempt petition is filed complaining that the order passed by this Court on 25.09.2014 made in W.P.(MD).No.16344 of 2014 had been violated.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3.It is seen that the above writ petition was disposed of at the admission stage itself, without going into the merits of the contentions raised by the petitioner, only with a direction to the respondents 3 to 6 therein to initiate appropriate action, if there is any encroachment by any third party including the 7th respondent, therein, after following the procedure in the Hindu Religious and Charitable Endowments Act, and after issuing notice to the seventh respondent and alleged third party encroachers.

4.According to the petitioner in this contempt petition, the respondents herein have not taken steps to remove the encroachment by passing any order.

5.On the other hand, in the counter filed by the fourth respondent, it is stated that the land in Sy.No.42/5, measuring 5 cents, the subject matter of the writ petition, was not listed at the Property Register of the temple and that no patta stood registered in the name of the temple in the Patta Pass Book.

6.It is further stated in the counter that the temple cannot take any action in respect of the encroachments made in a Government poramboke land, as they are not empowered to do so. It is also stated that the petitioner was also informed about the above stated position. Therefore, it is stated in the counter that there is no disobedience much less the willful disobedience.

7.Considering the orders passed by this Court in the writ petition and the stand taken by the respondent in the counter affidavit, this court is of the view that no contempt is made out in this matter, as I could see no disobedience much less a willful disobedience. However, if the petitioner is still having any grievance, it is open to him to proceed in a manner known to law by resorting to any other proceedings.



8.As this Court has found no contempt, this contempt petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

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Sub Assistant Registrar

vs

To

1.Thiru.Selvaraj, The Joint Commissioner,
HR & CE Department, Muthusamy Nagar,
Sivagangai.

2.Thiru Durai, The Superintendent of Police,
Sivagangai, Sivagangai District.

3.Thiru. Jeyaseelan, The Inspector of Police,
Kallal Police Station,
Sivagangai, Sivagangai District.

4.Tmt. Selvi, The Executive Officer,
HR & CE Government Office,
Kupudaiamman Kovil,
Sivagangai District.

+1CC to Spl.Government Pleader Sr.No.11173

+1CC to Mr.K.C.Ramalingam, Advocate Sr.No.11069

GJM/RR/17.3.17-3p-7C

Cont P. (MD) .No.17 of 2016

27.02.2017