

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.1180 of 2017

Sri Lasri Kanagasabai Swamigal
33rd Pontiff.
Sri Chidambaram Paathapoojai Ambalathadum
Swamigal Thirumadam,
No.58, Ambalathadum Swamigal,
Madam Street, Pondicherry - 605 001. ... Petitioner

Versus

R.Umamaheswari
Revenue Divisional Officer,
Thiruvannamalai. ... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondents for
willful disobedience of the order of this Court passed in
W.P.No.27115 of 2016 dated 04.08.2016.

For Petitioner :Mr.K.Balakrishnan

For Respondent :Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

The petitioner, alleging willful disobedience and non-compliance of the order dated 04.08.2016 passed in W.P.No.27115 of 2016, has filed the present Contempt Petition.

2. Mr.K.Balakrishnan, learned counsel for the petitioner, would submit that the encroachers viz., P.Kumar, P.Senthil and P.Arunachalam, sons of Ponnusamy, had filed O.S.No.71 of 2013 on the file of learned Principal District Munsif, Thiruvannamalai, praying for permanent injunction restraining the defendants 1 and 2 and two others from interfering with their peaceful possession and enjoyment of the property admeasuring an extent of 13781 sq.ft. in Town Survey No.188, 3rd Ward, 4th Block, Kamatchi Amman Koil Street, Thiruvannamalai, along with superstructure and the said suit came to be dismissed for default on 17.02.2015 and no further steps have been taken to restore the said suit and despite submission of representation to the revenue officials to remove the encroachment, no proper response is forth coming despite the orders passed by this Court. Therefore, the petitioner is constrained to approach this Court by filing the present Contempt Petition.

3. Mr.A.N.Thambidurai, learned Special Government Pleader, appearing for the respondent, would submit that in compliance of the order, the Revenue Divisional Officer, Thiruvannamalai, has conducted an enquiry on 21.08.2017 and

concluded that the land in question stands in the name of 'Ambalathadiyar Swamigal Paalkavadi Madam' and as far as the removal of encroachment is concerned, it is for the petitioner to approach the civil forum and work out his remedy and therefore, prays for closure of Contempt Petition.

4. This Court has considered the rival submissions and perused the materials on record.

5. A perusal of proceedings of Revenue Divisional Officer, Thiruvannamalai, dated 21.08.2017 would *prima facie* disclose that the land admeasuring an extent of 13781 sq.ft. in Town Survey No.188, 3rd Ward, 4th Block, Kamatchi Amman Koil Street, Thiruvannamalai, stands in the name of 'Ambalathadiyar Swamigal Paalkavadi Madam'. In the light of the fact that the land in question, as per the above cited proceedings, belongs to Mutt, the revenue official cannot take any action for recovery of the same.

6. At this juncture, learned counsel for the petitioner would submit that the petitioner may be permitted to submit a representation to the concerned HR&CE official for invocation of Section 78 of the Tamil

Nadu Hindu Religious and Charitable Endowment Act, 1959, and further direct the official to dispose of the same at an early day in accordance with law.

7. In the light of the fact that the land in question *prima facie* appears to be belonging to 'Ambalathadiyar Swamigal Paalkavadi Madam', there cannot be any positive direction, directing the revenue official to take necessary action to remove the alleged encroachment.

8. This Court, taking into consideration the submissions made by learned counsel for the petitioner, permits the petitioner to submit a detailed representation to the Joint Commissioner (Administration), Deputy Commissioner and Assistant Commissioner, Thiruvannamalai, along with supporting documents as well as a copy of this order within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the said officials are directed to consider the said representation on merits and in accordance with law within a period of six weeks thereafter and communicate the decision taken, to the petitioner as well as to the person/s concerned.

The Contempt Petition is closed subject to the above observation.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

GM

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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/CO/30/07/2017

To

1.The Revenue Divisional Officer,
Thiruvannamalai.

2.The Joint Commissioner (Administration),
H.R & C.E.Department,
Thiruvannamalai.

3.The Deputy Commissioner,
H.R & C.E.Department,
Thiruvannamalai.

4.The Assistant Commissioner,
H.R & C.E.Department,
Thiruvannamalai.

One Cc to The Government Pleader, Sr.No.10039

One cc to Mr.K.Balakrishnan, Sr.No.9868.