

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2018

CORAM :

The Hon'ble MS.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.SUNDAR
Contempt Petition No.1969 of 2017

S.P.Prabhu ... Petitioner

-vs-

K.Venkadasan,
Tahsildar,
Chinnasalem Taluk Office,
Chinnasalem Taluk,
Villupuram District. ... Respondent

Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willful disobedience of the order passed by this Court in W.P.No.2068 of 2017 dated 30.01.2017.

For Petitioner : Ms.M.Panimalar

For Respondent : Mr.T.N.Rajagopalan
Government Pleader

O R D E R

(Order of the Court was made by *M.Sundar, J.*)

This contempt petition has been filed by the writ petitioner in W.P.No.2068 of 2017 alleging violation of an order dated 30.01.2017 made in the writ petition.

2. Respondent No.4 in the writ petition i.e., the Tahsildar, Chinnasalem Taluk is the lone respondent in this contempt petition.

3. Before proceeding further with the contempt petition, we deem it appropriate to extract the short order dated 30.01.2017 passed in the writ petition, which reads as follows:

"On hearing the learned counsel for parties, it is directed that the fourth respondent / Tahsildar (stated to be the concerned person) will carry out an inspection at site within fifteen (15) days of the receipt of the order and if the allegations made by the petitioner of encroachment in Odai vide his representations dated 05.06.2016 and 18.11.2016 are found to be correct, to take action in accordance with law, after notice to all concerned and conclude the proceedings within the maximum period of two (2) months thereafter.

Writ petition, accordingly, stands disposed of. No costs."

4. When the contempt petition was taken up, Mr.T.N.Rajagopalan, learned Government Pleader, representing the lone respondent in this contempt petition

submitted that an inspection has in fact been done as per the order/directions of the aforesaid order of this Court

dated 30.01.2017. It is further submitted that with regard to Survey Nos.31/2 and 34/1, one is a Odai and the other is a patta land. To be noted, Survey No.31/2 is Odai, we are informed.

5. Most importantly, it is submitted by the learned Government Pleader that in the inspection, both the writ petitioner and respondent No.5 in the writ petition were found to be encroachers in the Odai.

6. It is also submitted that proceedings for eviction / removal of encroachments have been initiated and photocopies of relevant proceedings from the File have also been placed before us.

1. It is also brought to our notice that pursuant to the action taken, the petitioner in this contempt petition i.e., Mr.S.P.Prabhu has moved this Court by way of filing a writ petition being W.P.No.27353 of 2017 assailing the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. The aforesaid writ petition (W.P.No.27353 of 2017) has been disposed of by another Hon'ble Division Bench of this Court vide a order dated 25.10.2017 and the operative portion is contained in paragraph 7, which reads as

2.

"7. In the light of the effective alternate remedy available, the petitioner is at liberty to submit an appeal by invoking section 10 of the Tamil Nadu Land Encroachment Act, 1905 along with the relevant and authenticated documents to the 1st respondent within a period of four weeks from the date of receipt of a copy of this order along with the petition for stay and if the papers are otherwise in order, the 1st respondent or his delegated official, shall entertain the appeal and the said official (or) the delegated official, is at option, either to take up the petition for stay and give a disposal within a period of two weeks thereafter or take up the main appeal itself and give a disposal on merits and in accordance with law within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner and till such time, the 4th respondent shall defer further proceedings in terms of the impugned notice issued under section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 11.09.2017."

8. In the light of the aforesaid narrative, it becomes clear that respondent No.4 in the writ petition, who is the lone respondent in this contempt petition before us has complied with the directions issued vide order dated

9. There is no ground for entertaining this contempt petition.

10. The contempt petition is not entertained/closed.

bbr

SD/-
ASSISTANT REGISTRAR (O.S.I)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/10/04/2018

one cc to the Government Pleader, SR.No.3966.

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