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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Contempt Petition No.594 of 2018

1. K.Perumal
2. Kumari ... Petitioners

-vs-

1.Kandhasamy
The Collector
Tiruvannamalai District
Tiruvannamalai.
2.D.Bhuvaneshwari
The Special Tahsildar (ADW)
Polur Taluk, Polur
Tiruvannamalai District.
3.S.Rajalakshmi
The Tahsildar
Kalasapakkam Taluk
Kalasapakkam
Tiruvannamalai District. ... Respondents

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.M.P.No.30660 of 2017 in W.P.No.28519 of 2017 dated 07.12.2017.

For Petitioners : Mr.V.Elangovan
For Respondents : Mr.K.S.Suresh
Government Advocate



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O R D E R

This Contempt Petition is filed complaining that the interim order of status quo granted by this Court on 07.12.2017, pending writ petition, is violated.

2. Heard Mr.V.Elangovan, learned counsel for the petitioners and Mr.K.S.Suresh, learned Government Advocate for the respondents.

3. The petitioners filed WP.No.28519 of 2017 to forbear the respondents from evicting the petitioners from the agricultural land situated in S.Nos.531/5 and 531/6 of Kumbalamarathur Village at Polur Taluk, Thiruvannamalai District to an extent of 3 acres without following the due process of law. It is the contention of the petitioners that the respondents are trying to put up a school building in the said property, which belongs to the petitioners.

4. While entertaining the writ petition on 07.12.2017, this Court had directed the respondents to maintain status quo as on that day.



5. Now, the present contempt petition is filed complaining that the order of status quo is violated. It is the specific case of the petitioners that the respondents are continuing to put up construction in spite of status quo order granted by this Court.

6. A counter affidavit is filed by the third respondent in the contempt proceedings. It is stated therein that the lands transferred for construction of the Government Tribal Schools are at S.Nos.531/8, 9 and 17 and the lands which are in enjoyment of the petitioners are in S.Nos.531/5 and 531/6, and they are not the lands which are transferred for construction of the said school. Therefore, it is stated that the question of evicting the petitioners does not arise as such construction is being carried out in punjai anathinam land.

7. The learned counsel for the petitioners submitted that in view of the specific stand taken by the respondents, by filing the counter affidavit that the construction is being carried out in S.Nos.531/8, 9 and 17 and not at S.Nos.531/5 and 6, as apprehended by the petitioners, the said submission may be recorded and the contempt petition may be closed.

