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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2018

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**  
**and**  
THE HONOURABLE MR. **JUSTICE M.DHANDAPANI**

**Contempt Petition No.917 of 2016**

Nallammal,  
W/o Thangarasu,  
Main Road, Nannai Post,  
Kunnam Taluk, Perambalur District. ... Petitioner

Vs.

The Tahsildar,  
Kunnam Taluk Office,  
Perambalur District,  
Perambalur. ... Respondent

Contempt petition is filed under Sections 10 and 11 of the Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying of the order dated 12.08.2014 passed by this Court in Contempt Petition No.1699 of 2014 in W.P.No.29809 of 2013.

For Petitioner : Mr.S.Gunalan

For Respondent : Mrs.P.Rajalakshmi  
Additional Government Pleader



## O R D E R

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

When the contempt petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondent would submit that the orders passed by this Court in W.P.No.29809 of 2013 dated 20.11.2013 and Contempt Petition No.1699 of 2014 and W.P.Nos.13991 and 13992 of 2014 dated 12.08.2014 have been complied with and has also produced the compliance report, which reads thus:

"As per order of the Hon'ble Madras High Court in W.P.No.29809 of 2013, which was filed by Nallammal to remove encroachment in Survey Number No.88 of Nannai Village (sic.). The Hon'ble Madras High Court had passed order on 20.11.2013 with a direction to our office to take necessary action within a stipulated time period. Hence, our subordinate officers had verified the records relating to S.F.No.88 Hec 1.42.0 Ares of Nannai village, in which, we had found that four persons had encroached the above Survey Number namely Palanivel, S/o Pitchaipillai, Duraisamy, S/o Muthusamy, Periyasamy, S/o Natesan and Ramachandran, S/o Thangarasu. Afterwards, our subordinate officers had sent a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 on 10.2.2014 to the above four persons, in which, two of



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the persons namely Periyasamy, S/o Natesan and Ramachandran, S/o Thangarasu had challenged the said notice served to them vide W.P.No.13991/2014 and W.P.No.13992/2014. In the mean time, Nallammal filed a Contempt Petition and this Hon'ble Court had decided all the writ petitions along with the contempt petition filed by the Nallammal by common order dated 12.08.2015.

Since the Hon'ble Madras High Court had again directed us to take necessary actions as per law through a common order dated 12.08.2015, in furtherance of the orders of Hon'ble Madras High Court in W.P.Nos.29809/2013, W.P.No.13991/2014 and W.P.No.13992/2014, the District Collector vide letter No.Na.Ka.A1/14608/2014 dated 24.02.2016 we had removed the encroachments of the above four persons as per the order through their subordinate officers on 17.11.2014. In the mean time, another two persons namely Subramaniyan and Nallammal W/o Ramasamy had encroached the lands in S.F.No.88/1. The above lands encroached by Subramaniyan and Nallammal, W/o Ramasamy come under the purview of the BDO, Veppur and the BDO, Veppur was directed by the Tahsildar, Kunnam to remove the encroachment as per law vide proceedings of Tahsildar, Kunnam in proceedings No.Na.Ka.A1/9694/2013 dated 15.10.2016.



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Originally S.F.No.88/1 having extent of Acres 5.80 cents, stands in the name of Chidambaram and Perumal. In revenue records, the S.F.No.88/2 Hec 2.92.0 Ares shown as Government Poramboke lands. Subsequent to the proceedings of the District Collector vide proceedings No.Na.Ka.A2/29287/2000 dated 18.11.2000 the S.F.No.88/1 Hec 1.42.0 sub divided as "Government Poramboke Kulam" and S.F.No.88/2 Hec 1.50.0 Ares lands shown as "Natham" and above subdivision are mutated in the revenue records and S.F.No.88/2 Hec. 1.50.0 Ares are called as Thamaraikulam and nalla Thanneer Kulam and with regard to the removal of encroachment in the Nalla Thanneer Kulam only, one Nallammal filed the above writ petition. In the above process of Natham sub division, Nallammal is one of the beneficiaries. In furtherance of the above, Subramanian also challenged said process of Panachayat Development Officer vide W.P.No.34315 of 2016 and the said writ petition also disposed of by this Hon'ble Court. Hence, the said encroachment of the Subramanian also removed on 9.3.2017. It is submitted that as on today, there is no encroachment in the Nalla Thanneer Kulam in S.F.No.88/1."



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2. In view of above, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

raa

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/19/11/2018