

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE **M.M. SUNDRESH**
AND
THE HONOURABLE MR. JUSTICE **R. MAHADEVAN**

Contempt Petition. No. 1966 of 2017

K.K. Rajendran ...Petitioner
Vs.

1.E. Sundaravalli, I.A.S.,
The District Collector,
Tiruvallur District,
Tiruvallur - 602 001.

2.Kalaiselvi,
The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai - 53.

...Respondents

Prayer: Contempt petition filed under Order 11 of the
Contempt of Courts Act 1921 to punish the respondents for
disobeying the order passed in W.P. No. 29831 of 2016 dated
29.08.2016.

For Petitioner : Mr. G. Mohanakrishnan

For Respondents : Mr. M. Elumalai,
Govt. Advocate

ORDER

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

This contempt petition has been filed, inter alia, alleging that the order passed in W.P. No. 29831 of 2016 dated 29.08.2016 has not been complied with in letter and spirit with specific reference to S.No.320/2B.

2.It appears that pursuant to the orders passed in the aforesaid writ petition, the third respondent therein filed another writ petition in W.P. No. 3491 of 2018. The petitioner herein was also a party to the aforesaid writ petition. The subject matter of the writ petition is also Survey No. 320/2B and 320/2C to the extent of 7.5 cents. The Division Bench after considering the materials available on record was pleased to dismiss the writ petition while taking note of the earlier order passed in W.P No. 10420 of 2017. Thereafter, an undertaking was given by the petitioner in W.P. No. 3491 of 2018 touching upon the encroachment made in S.No. 320/2B and 320/2C to the extent of 7.5 cents.

3.A report was also given by the Thasildar, Ambattur to the Revenue Divisional Officer, Ambattur on the removal of encroachment. However, order was passed on 25.06.2018 by the Division Bench expressing the satisfaction that the encroached shops are removed as directed. Liberty was

<https://hcservices.ecourts.gov.in/hcservices> given to the petitioner before us to redress the grievances before the competent forum, if so advised.

4.Now, the petitioner has come forward to file this petition alleging that the order passed by the Division Bench on the first occasion in W.P. No. 29831 of 2016 has not been complied with. We do not think that there is a wilful disobedience of the order passed. The earlier order passed was followed by the subsequent order in which the Division Bench of this Court has expressed its satisfaction on the removal of the encroachment. This was done not only on the basis of the undertaking given by the petitioner in W.P. No. 3491 of 2018 but also on the Report of the official respondents. Though, the liberty was given to the petitioner, the same cannot be construed to mean that contempt petition can be filed against the first order. In all these cases, the subject matter is S.No. 320/2B and 320/2C.

5.In such view of the matter, we do not find any wilful disobedience of the order passed by this Court. Accordingly, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ssm

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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