



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cont.P(MD) No.241 of 2016

Virgin Valsala

... Petitioner

Vs.

Vinitha
The Executive Officer,
Thiruvithancode Town Panchayat,
Kanyakumari District.

... Respondent

Petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondent for her wilful disobedience of the Order passed by this Court in W.P.(MD)No.19583 of 2015 dated 08.12.2015 and thus render justice.

Prayer in WP(MD). 19583/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents 2 to 4 to restructure the sill-level slope by removing the over and above construction on the light of the proceeding in Ka.No.Va.2/I-6-1/1013M/2015 dated 25.08.2015 of the 1st respondent, preventing the lake water causing hindrance in the petitioners property at resurvey No.383/4B and 5 of Thiruvithancode village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.A.Rajkumar Sen

For Respondent : Mr.M.Rajarajan
Government Advocate

ORDER

Earlier, this Court, by the order dated 08.12.2015 directed the respondent herein to consider the petitioner's case and take appropriate action based on the communication issued by the first respondent dated 25.08.2015. Since no action has been taken, this contempt petition has been filed.

2.Earlier, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondent has produced a copy of the proceedings dated 25.01.2016 issued by the respondent.

3.The learned counsel appearing for the petitioner submitted that even though this Court has directed the respondent to consider the petitioner's representation and take appropriate action, no action has been taken to redress her grievance. Hence, this Court, earlier, by the order dated 02.02.2018, directed the Tahsildar concerned to inspect the place in dispute and file a report.

4.Accordingly, the Tahsildar, Kalkulam has filed a status report, wherein at paragraphs - 3 and 4 it is stated as follows:

"3.The South Bank of the Vayakulam pond and the petitioner's land are equal level. At present the water level is low in the pond and no water is stagnating in the petitioner's land.

4.When the pond gets filled, the surplus water from the pond flows through the culvert which is located at the north side. There is no obstacle which blocks the flow of water from the north side of the pond until here. The water then flows over the panchayat road and then to a small canal. To narrow down the flow of water through the panchayat road the Thiruvithancode Town Panchayat has constructed a small canal on the Panchayat road. This has been taken as a precautionary measure to prevent the flow of water to the patta holders land during heavy rains."

5.Considering the above circumstances, since the petitioner's representation has already been considered by the respondent, nothing remains in the petition for further adjudication. Hence, this contempt petition is closed. No costs.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To
Vinitha
The Executive Officer,
Thiruvithancode Town Panchayat,
Kanyakumari District.

+1CC TO M/S.A.RAJKUMAR SEN, ADVOCATE, SR NO.58663

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