

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:06.02.2019

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

AND

THE HONOURABLE Mr. JUSTICE S.VAIDYANATHAN

Contempt Petition No.2199 of 2018

N. Venkatesan Petitioner

vs

1. Mr.Raman
The District Collector,
Collectorate,
Vellore District
2. Shri Priyanga Pangacham,
The Sub Divisional Magistrate-cum-Sub Collector,
Thiruppathur,
Vellore District.
3. Mr.Sathiyamurthy,
The Tahsildar,
Office of Tahsildar,
Thiruppathur
4. Mr.Padmanaban,
The Deputy Zonal Tahsildar,
Thiruppathur
5. Mr.Ulaganathan,
The Inspector of Police,
Jolarpettai Police Station
Vellore District
6. Mr.Viswanathan,
Karuppanur Village & Post,
Thiruppathur Taluk,
Vellore District

..... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish all the Respondents for the wilful disobedience in complying with the Order passed by this Court dated 26.03.2018 in WP No.218 of 2018.

For Petitioner : Mr.D. Ravichander

For Respondents : Mr.S.N. Parthasarathy
Government Advocate

ORDER

[Order of the Court was made by **S.VAIDYANATHAN, J.**]

An Affidavit has been filed by the Third Respondent/The Tahsildar, Thiruppathur, wherein, it is stated that the persons in Survey No.461/1 were not evicted as Group House has been constructed in Grama Natham, where the place is for dwelling and hence it cannot be treated as encroachment.

2. The grievance of the Petitioner is that no order has been passed and if any order is passed, he would be in a position to establish that it is not Grama Natham.

3. We cannot go into those aspects, more particularly, in Contempt Petition that Group Housing has been constructed in Survey No.461/1 and the persons are not evicted.

4. It is represented that encroachments have been removed in Public Road and the details are narrated in Paragraph No.4 of the Affidavit dated 20.01.2019 which is extracted hereunder:

"4. It is submitted that the land in Survey No.461/8 is classified as "Public Road" in which the Respondent No.6 has erected a roof for 1 feet and a "Thinna" under this roof for 1 feet was also removed at the time of eviction and the roof measuring 1 feet was left as it is not affected the free passage in the public road."

सत्यमेव जयते

5. If there is any appeal/representation is pending before the Government, made by the Contempt Petitioner, the same is expected to be disposed of within a period of two months from the date of receipt of a copy of this Order.

6. We find that there is no contempt made out and the Contemnors are discharged and the Contempt Petition is closed.

sr

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

PS/22/02/2019

To

1. The Secretary,
Housing and Urban Development Department,
Fort.St. George,
Chennai 600 009
2. The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008
3. The Commissioner,
Avadi Municipality,
Avadi, Chennai 600 054