

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2019

Coram

The Hon'ble Mr. Justice **M.M.SUNDRESH**
and
The Hon'ble Mr. Justice **R.MAHADEVAN**

Cont. Petition No.723 of 2018

P.Arumugham .. Petitioner

vs.

1.I.S.Mercy Ramya,
The Revenue Divisional Officer,
Office of the Revenue Divisional
Office, Tindivanam, Villupuram.

2.S.Kala,
The Tahsildar,
Office of Tahsildar,
Gingee Taluk, Villupuram. .. Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents herein for violation of the order passed in W.P.No.35285 of 2016 dated 05.10.2016.

For Petitioner .. Ms.G.Nailini

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 encroachment as ordered has not been removed. Though the other encroachment has been removed except one available in Nilaviyal Odai.

2.Learned Government Advocate, placing reliance upon the affidavit filed by the second respondent, who is also present, would submit that classification of Nilaviyal Odai cannot be termed as part and parcel of odai. It only means the land which entitles the land owner to use the water going in the stream. Placing reliance upon the records, he submitted that the pattas have been given way back in the year 1931 and onwards. In such view of the matter, there is no wilful disobedience of the order passed.

3.Learned counsel appearing for the petitioner submitted that even recently some encroachments have been made which factum is disputed by the learned Government Advocate. Therefore, we are not inclined to go into the said issue. Though we have passed an order on 24.06.2019, in view of the extension given now, in the presence of the second respondent, we are satisfied that there is no wilful disobedience of the order passed. Accordingly, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR(OS-II)

mmi/ssm

//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.

SS/CO/09/09/2019