

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2019

CORAM

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Sub Application (OS) No.647 of 2016
in Contempt Petition SR.No.34063 of 2016

R.Arulvel ... Petitioner

- Vs -

1.Mrs.R.Gajalakshmi I.A.S.
District Collector, Kancheepuram District
Kancheepuram.

2.Dr.A.Arun Thamburaj, I.A.S.,
The Revenue Divisional Officer
Kancheepuram Revenue Division
Kancheepuram, Kancheepuram District.

... Respondents

Prayer : Petition under Section 151 of C.P.C., to grant leave to file the contempt petition
in W.P.No.17319 of 2012.

For Petitioner : Mr.A.Ramalingam
For Respondents : Mr.M.Elumalai, Government Advocate

ORDER

(Order of the Court was made by T.S.SIVAGNANAM, J.)

This petition has been filed by the petitioner Mr.R.Arulvel, seeking leave to file contempt petition, alleging willful disobedience of the order and direction in W.P.No.17319 of 2012 dated 09.07.2012. The said writ petition was filed by one Thamizh Amudhan,

praying for a direction to the respondents to remove the encroachments and recover the lands in Survey No.347, Athanoor Village, Kancheepuram District. The writ petition was disposed of by an order dated 09.07.2012, by directing the respondents to consider the representation / complaint given by the writ petitioner and his wife. It was also made clear that the respondents, before passing final orders, should give an opportunity of hearing to the alleged encroachers or any other individual concerned. Thus, it could be seen that no positive direction was issued to the respondents to evict the encroachers based on the allegation made by the writ petitioner that they are illegally occupying the water body.

2. In the affidavit filed in support of the present petition, the petitioner Mr.R.Arulvel would state that he is a third party to the writ petition, a resident of the village and has a common grievance against the illegal encroachments. The petitioner Arulvel does not state as to why the original writ petitioner has not moved this Court alleging disobedience of the order and direction of this Court. Further, we find that even on the last occasion, there was no representation on behalf of the petitioner.

3. Mr.Elumalai, learned Government Advocate submits that he has been telephonically informed that action has been initiated and orders are being passed, after giving opportunity to the alleged encroachers.

4. In the light of the above, we dispose of this application, directing the respondents to scrupulously follow the order and direction issued in the writ petition No.17319 of 2012 dated 09.07.2012, within a period of two months from the date of receipt of a copy of this order.

(T.S.S.J.) (V.B.S.J.)
07-06-2019

KST

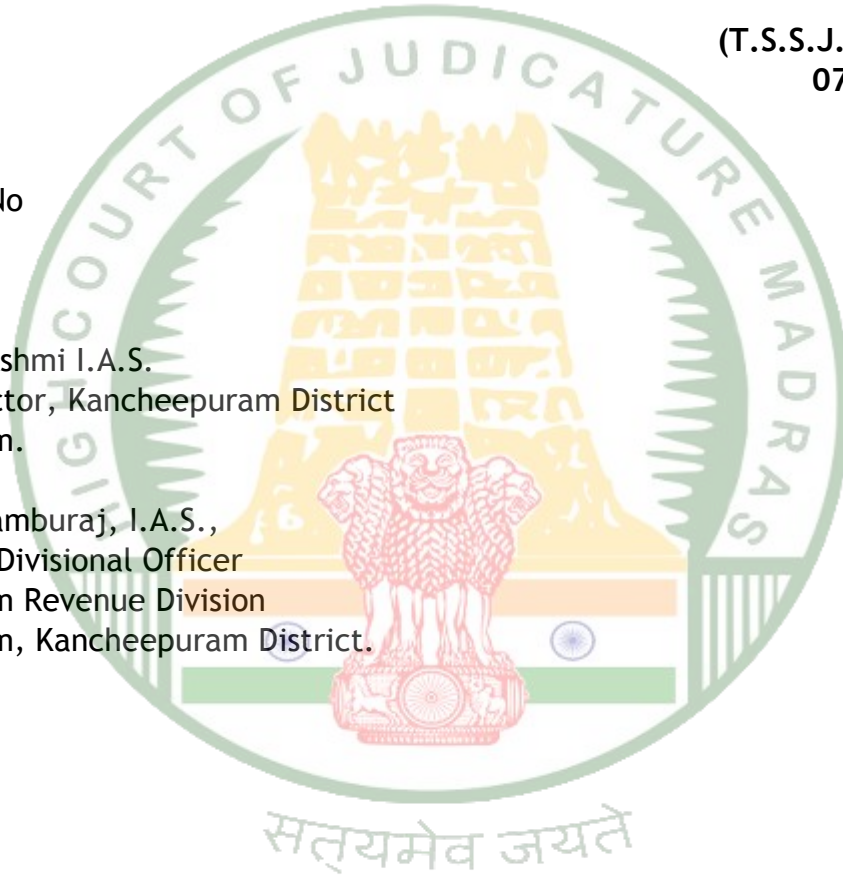
Index : Yes/No

Internet : Yes/No

To

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T.S.SIVAGNANAM, J.
AND
V.BHAVANI SUBBAROYAN, J.

kst



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