

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2019

CORAM

The Hon'ble Mr. Justice **M.M.SUNDRESH**
and
The Hon'ble Mr. Justice **M.NIRMAL KUMAR**

Cont.P.No.1140 of 2017

Mr.A.Umapathi,
S/o.M.Arumugam,
For Himself and on behalf of the villagers of
Metupalayam Village,
Village No.19, Kumizhi Panchayat,
Kannivakkam Post,
Chengleput Taluk,
Kancheepuram District 603 202.

.. Petitioner

vs.

- 1.B.Chandramohan
The Secretary to Government,
State of Tamilnadu,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.R.Gajalakshmi
The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.Ibrahim
The Tahsildar,
Chengalput Taluk,
Kancheepuram District.
- 4.V.R.Jayaseelan
The Revenue Divisional Officer,
Chengalput Division,
Kancheepuram District.

.. Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for their willful and disobedience of the orders passed in W.P.No.27105 of 2014 dated 13.10.2014, on the file of this Court.

For Petitioner .. K.S.V.Sethuraman

For Respondents .. Mr.M.Elumalai,
Government Advocate

ORDER

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

Alleging that the order dated 13.10.2014, passed by this Court in W.P.No.27105 of 2014 has not been complied with, the present contempt petition has been filed.

2. In the compliance report filed by the 3rd respondent, the following statement has been made:-

"4.It is further submitted that in pursuant to the aforesaid direction of the Hon'ble Court, this respondent conducted enquiry and also inspected the land alleged to have been under encroachment. The inspection revealed that one Thiru.Venkatesan and 18 others were encroaching an extent of about 2 acres in the land in Survey No:310/1 classified as Karadu Poramboke in Kumizhi village. Hence action under the Tamil Nadu Land Encroachment act 1905 was initiated to evict from by issuing notice under section of the aforesaid Act. It is intimated that this

respondent submitted a counter affidavit before the Hon'ble Court also early duly furnishing the aforesaid facts.

5.It is further more submitted that aggrieved by the eviction proceedings under the Tamil Nadu Land Encroachment Act 1905. The encroachment filed appeals before the 2nd respondent. The said appeals were dismissed by the 2nd respondent in this order in RC.15577/2011/B1 dated 30.11.2017. In the view of the dismissal of the appeal petitioner, the 2nd respondent has also directed to remove the aforesaid encroachments.

6.It is submitted that in pursuant to the direction of the Hon'ble Court in W.P.No.4735 of 2011 dated 02.03.2011 and in W.P.No.4735 of 2011 and in W.P.No.27105 of 2014 dated 13.10.2014 and consequent to the dismissal of appeal petition by the 2nd respondent all the 19 encroachments by way of Huts/Cement sheeted houses were removed on 11.02.2018 and 02.06.2018. Hence it is submitted that the directions of this Hon'ble Court has been fully complied with by this respondent."

3. Though the learned counsel for the petitioner submitted that the encroachments have not been removed in toto, we are not inclined to conduct roving enquiry in this regard. Similarly, the submission made by the Government

Advocate that even the petitioner is an encroacher is not gone into in this proceedings. Again, it would be suffice to state that the encroachments were removed by the respondents.

4. Accordingly, the contempt petition stands closed. If the petitioner is of the view that the encroachments remain in S.No.310/1 of Mettupalayam Village, Chengalpattu Taluk, Kancheepuram District, it is well open to him to initiate fresh proceedings, if so advised. Further, we make it clear that in those cases in which Notice under Section 6 of the Act have been given, the Revenue Officials will have to take further action to remove the encroachments.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

smv/kmk

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/02/07/2019

To,

- 1.The Secretary to Government,
State of Tamilnadu,
Revenue Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Tahsildar,
Chengalput Taluk,
Kancheepuram District.
- 4.The Revenue Divisional Officer,
Chengalput Division,
Kancheepuram District.