

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2019

CORAM

THE HON'BLE Mr. JUSTICE **M.M.SUNDRESH**

and

THE HON'BLE Mr. JUSTICE **M.SUNDAR**

Cont.P.No. 2029 of 2017

Consumer Legal Awareness and
Environmental Protection Association
(Regd No.124/2006)

Represented by its Secretary

Mr.P.Ramalingam,

No.47, Saraswathy Nagar,

Cuddalore - 2,

No.89-B, Sunder Nagar,

Kotthapakkam, Cuddalore - 2.

.. Petitioner

Vs.

1.Balamurugan,

The Tahsildar

Beach Road, Cuddalore.

2.Prasanth Nickra,

The District Collector/President,

District Level Steering Committee on

Encroachments, Cuddalore 607 001.

.. Respondents

Petition filed under Section 11 of Contempt of Courts
Act to punish the respondents for their wilful disobedience
of the order of this Court in W.P.No.8711 of 2017 dated
19.04.2017.

For Petitioner : Mr.R.Muralidharan

For Respondents : Mr.E.Manoharan,
Additional Govt.
Pleader

ORDER

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

Alleging that the order passed in W.P. No. 8711 of 2017 dated 19.04.2017 has not been complied with, the present contempt petition has been filed.

2. When the matter is taken up for hearing today, an affidavit of compliance has been filed by the first respondent, wherein it has been stated as follows:-

"3. It is submitted that the T.S.No.710 and T.S.No.1037, ward No.V, Block 24, Nathaveli Road, Thirupapuliyur is situated within the municipal limit of Cuddalore and therefore the Tahsildar, Cuddalore the first respondent herein issued Form I Notice to the Municipality. Thereafter, when Notice was served to encroachers on 20.02.2017 under Section 182(1), 362 of the Tamil Nadu Municipalities Act the encroachers refused to accept the Notice. However, the notice was issued to all the 167 encroachers on 02.03.2017 and the encroachments were removed on 15.03.2018. Since the encroachers were poor labourers, their encroachments were evicted after granting House Site Patta in Karaikadu, Mavadipalayam and Thirumanikuzhi of Cuddalore District. It is submitted that in compliance with the orders of the Hon'ble Court all the encroachments were

*removed on 15.03.2018 and the same was
intimated to the petitioner vide
Na.Ka.A1/7159/2016, dated 20.03.2019."*

3. In view of the above, we are satisfied with the compliance made. Accordingly, the contempt petition stands closed. However, if the petitioner/Association is of the view that there are some more encroachments available, it is well open to it to file a separate writ petition indicating the names of the encroachers.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi/ssm

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/09/09/2019