

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cont.P.No.2458/2018

P.Kesavan,  
S/o.Periannan,  
64, Aaviyar Madu, North Kadu,  
Mullaivadi,  
Attur Taluk- 636141,  
Salem District.

Petitioner

Versus

1.Thiru S.Selvam  
Tahsildar, Attur Taluk  
Salem District.

2.Mr.D.Manickam  
Assistant Engineer, Irrigation,  
Public Works Department  
Attur Taluk, Salem District.

Respondents

Prayer:- Contempt petition filed under section 11 of the Contempt of Courts Act, to punish the respondents for their intentional and willful disobedience caused by him in the order dated 18.06.2018 made in WP.No.3906/2018 on the file of this Court.

For Petitioner : Mr.A.Rajakumar

For RR1&2 : Mrs.P.Rajalakshmi, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

The petitioner, alleging non-compliance and willful disobedience of the order of this Court dated 18.06.2018 made in WP.No.3906/2018 on the part of the respondents, came forward to file the present petition.

2 Though the learned counsel for the petitioner contended that the encroachments have not been fully removed, a perusal of the Compliance Report dated 22.03.2019 filed by the Tahsildar, Attur Taluk, the 1<sup>st</sup> respondent herein, would disclose the following fact and it is relevant to extract paragraphs No.7 and 8 of the same:-

".....

7 It is submitted that the said survey numbers are classified as Iyyanar Temple Oodai in the village records. On verification, it is found that there are 18 persons encroached the said survey numbers nearly for 4 Kilometres by way of cultivating crops. The said Iyyanar Temple oodai is comes under the control of Public Works Department. Hence, on 14.08.2018, 16.08.2018, 20.08.2018 and 21.08.2018 the said encroachments entirely removed by the PWD in the presence of the Revenue Officials.

8 It is humbly submitted that the as per the order passed by the Hon'ble Court, the petitioners as well as the respondents 5 to 7 and other encroachers not come forward to give their reply to the Form II notice issued by the Public Works Department. To obey the order of this Hon'ble Court the official respondents taken steps to consider the petitioners representation dated 25.07.2017 and the same was considered and all the encroachments in Ward No.A, Block-3, TS.No.29,15,14,23,22,21,17, 14, Ward-A, Block - 4, TS.No.4/1, 4/2, 30, 29, 28/1, Ward-A, Block-6, TS.No.41, 40, 29, Ward-A, Block-5, TS.No.23, situated in Mullaivadi Village, Attur Taluk, Salem District was entirely removed by the Public Works Department on 14.08.2018, 16.08.2018, 20.08.2018 and 21.08.2018 and the same was intimated to the petitioner also.'

3 Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the respondents would submit on instructions that there is no encroachments in the revenue lands and whatever encroachments found on the water body have been removed by the Public Works Department and assures that there will not be any re-encroachment or fresh encroachments in respect of the said lands and the said submission, on instructions, is placed on record.

4 In the light of the same, the contempt petition is closed.

SD/-  
ASSISTANT REGISTRAR (COMM.CASES)

AP

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

Sm/17/05/2019

To

1.Thiru S.Selvan  
Tahsildar, Attur Taluk  
Salem District.

2.Mr.D.Manickam  
Assistant Engineer, Irrigation,  
Public Works Department  
Attur Taluk, Salem District.

Copy to:

The District Collector,  
Salem District.

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