

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2019

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.34048 of 2018
and W.M.P.No.39548 of 2018

S.Palani

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Compound,
Kanchipuram District.
- 2.The District Revenue Officer,
Sriperumbudur Taluk,
Kanchipuram District.
- 3.The Revenue Divisional Officer,
Sriperumbudur,
Kanchipuram District.
- 4.The Tahsildar,
Pallavaram Taluk, Pallavaram,
Kanchipuram District.
- 5.The Executive Officer,
Town Panchayat Union,
Mangadu Town Panchayat Union,
Kanchipuram District.
- 6.The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai - 600 122.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of mandamus forbearing the respondents from proceeding further in the process of construction in the property situated in Survey No.511, admeasuring 23.5 cents bearing Patta No.1125 at Mangadu Village, Kanchipuram District till the orders passed in the petitioner's representation dated 15.11.2018 as per the directions made in W.P.No.22326 of 2018.

For Petitioner : Mr.M.Vijay Anand

For Respondents: Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

O R D E R

(Order of the Court made by M.DURAISWAMY,J.)

The petitioner has filed the Writ Petition to issue a Writ of mandamus forbearing the respondents from proceeding further in the process of construction in the property situated in Survey No.511, admeasuring 23.5 cents bearing Patta No.1125 at Mangadu Village, Kanchipuram District till the orders passed in the petitioner's representation dated 15.11.2018 as per the directions made in W.P.No.22326 of 2018.

2.Earlier, the petitioner and two others, filed a Writ Petition in W.P.No.22326 of 2018 to issue a Writ of Mandamus forbearing the respondents from proceeding further with the process of construction and eviction and consequently, direct them to follow the due process of law in dispossessing the petitioners from their property situated in Survey No.511 admeasuring 23.5 cents bearing Patta No.1125 at Mangadu Village, Kancheepuram District.

3.The Division Bench of this Court, by order dated 14.09.2018 disposed of the Writ Petition by observing that the petitioners should not be evicted without due process of law and directed the respondents/ authorities to consider the case of the petitioners in accordance with law. Further, the Division Bench directed the respondents 1 to 5 therein to issue notice to the petitioners by way of an opportunity so as to enable them to submit their representation within a period of two weeks and also directed the respondents to consider the same and pass a detailed order within a period of four weeks thereafter. The Division Bench also gave liberty to the authorities to proceed against the petitioners, if they are held to be encroachers, in accordance with law by affording reasonable opportunity to them. Till the final orders are passed in the subject matter in issue, the petitioners' possession was protected by this Court.

4.Pursuant to the order passed by this Court, the 4th respondent issued notice dated 17.10.2018 to the petitioner. According to the petitioner, he submitted his reply on 26.10.2018 wherein he prayed for two weeks time to produce necessary documents to prove his possession and enjoyment of the land. After submitting the reply on 26.10.2018, the petitioner filed a Contempt Petition in Cont.P.No.2311 of 2018 to punish the respondents 4 to 6 for disobedience of the order passed in W.P.No.22326 of 2018. The Division Bench of this Court, by order

dated 11.12.2018, dismissed the Contempt Petition finding that the respondents therein had not committed any willful disobedience of the order passed in the Writ Petition.

5.After the dismissal of the Contempt Petition, the petitioner has again filed the present Writ Petition seeking for the relief, almost identical to the relief sought for in W.P.No.22326 of 2018.

6.The petitioner having obtained an order of dismissal in the Contempt Petition, has again ventured into filing the present Writ Petition. Even while dismissing the Contempt Petition, this Court directed the respondents 1 to 5 in W.P.No.22326 of 2018 to proceed as per the directions issued by this Court in W.P.No.22326 of 2018 in true letter and spirit and send a report of compliance to the Registrar (Judicial), High Court, Madras.

7.As already stated, on a perusal of the reply dated 26.10.2018 given by the petitioner, he only sought for two weeks time to submit documents. After seeking for two weeks time, he filed the Contempt Petition, which ended in dismissal. The petitioner cannot re-agitate the issues which were already decided in W.P.No.22326 of 2018 and in Cont.P.No.2311 of 2018. The petitioner having received the notice dated 17.10.2018, should have attended the enquiry instead of seeking for time for submitting documents. When this Court had fixed a time limit in W.P.No.22326 of 2018 to pass final orders, the petitioner's request for two weeks time would only defeat the directions issued by this Court.

8.Since the issues were already decided in W.P.No.22326 of 2018 and in Cont.P.No.2311 of 2018, the relief sought for in the present Writ Petition cannot be granted. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate Compound,
Kanchipuram District.

2.The District Revenue Officer,
Sriperumbudur Taluk,
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3.The Revenue Divisional Officer,
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4.The Tahsildar,
Pallavaram Taluk, Pallavaram,
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5.The Executive Officer,
Town Panchayat Union,
Mangadu Town Panchayat Union,
Kanchipuram District.

6.The Inspector of Police,
T-14, Mangadu Police Station,
Mangadu, Chennai - 600 122.

7. The Registrar (Judicial),
High Court, Madras.

+1cc to Mr.V.Jayaprakashnarayanan, Advocate SR.No.5234

+1cc to Mr.M.Vijay Anand, Advocate SR.No.5539

सत्यमेव जयते

W.P.No.34048 of 2018
and W.M.P.No.39548 of 2018

KJI (CO)
GMY (06/02/2019)

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