



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

Cont.P.(MD) No.1232 of 2019

in

W.P.(MD) No.4564 of 2019

M.Murugesan

... Petitioner/Petitioner

-vs-

P.Thangamani

Tahsildar

Thiruppathur Taluk

Sivagangai District

...Contemnor/3rd Respondent

PRAYER: Petition filed under Section 11 of Contempt of Court Act, 1971, to summon the respondents herein and punish the respondent for wilful disobedience of the order dated 02.04.2019 passed by this Court in W.P.(MD) No.4564 of 2019.

Prayer in WP(MD). 4564/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the 5th respondent, herein in Survey No.168, Kavanoor Group, Kandavarayanpatti Panchayat, Thiruppathur Taluk, Sivagangai District, in the light of the notice issued by the 4th respondent herein in Na.Ka.No. P3/2432/17 dated 01.10.2018 within a stipulated time

For Petitioner: Mr.S.Bharathy Kannan

For Respondent: Mr.A.K.Baskarapandian
Special Government Pleader

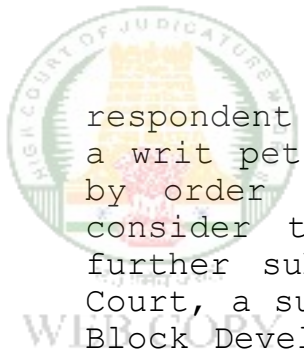
O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This contempt petition has been filed alleging wilful disobedience of the order and direction, dated 02.04.2019, in W.P.(MD) No.4564 of 2019.

2. The learned Special Government Pleader appearing for the respondent submitted that the encroacher, namely, the fifth

<https://hcservices.courts.gov.in/hcservices/>



respondent in the writ petition, had approached this Court and filed a writ petition in W.P.(MD) No.2109 of 2017, which was disposed of by order dated 18.06.2018, in which a direction was issued to consider the representation made for conducting survey. It is further submitted that pursuant to the observations made by this Court, a survey was conducted by the Tahsildar, Thiruppathur and the Block Development Officer, Thiruppathur, has been addressed to take note of the encroachments, which have been pointed out and take suitable action and this communication was sent on 27.07.2018.

3. Further, it is seen that the Block Development Officer, Thiruppathur, had also issued notice to the encroachers on 10.08.2018 followed by second notice dated 01.10.2018, however, there has been no progress.

4. The learned counsels on either side submitted that none of the encroachers have approached this Court nor there is any prohibitory order passed by this Court restraining the Block Development Officer from initiating action for eviction of the encroachers by following the directions in the writ petition.

5. In the light of the above, we direct the Block Development Officer (Village Panchayat), Thiruppathur, Sivagangai District, to proceed further in the matter and issue fresh notice to the encroachers and finalize the entire matter within a period of three weeks from the date of receipt of a copy of this order.

6. Since the Block Development Officer is not a party to this contempt petition, though he was a party in the writ petition, we direct that a copy of this order be communicated to the Block Development Officer (Village Panchayat), Thiruppathur, Sivagangai District.

7. The Block Development Officer (Village Panchayat), Thiruppathur, Sivagangai District, should note that upon failure in taking effective action, this Court will take contempt action against him.

8. Accordingly, the contempt petition is disposed of.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar(CS)



To:

P.Thangamani,
Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

Copy to

The Block Development Officer
(Village Panchayat),
Thiruppathur,
Sivagangai District

+1 CC to Mr.S. BHARATHY KANNAN, Advocate (SR-101849[F] dated
27/11/2019)

+1 CC to SPL GP (SR-102433[F] dated 28/11/2019)

Cont.P.(MD) No.1232 of 2019

in

W.P.(MD) No.4564 of 2019

26.11.2019

VB(18.12.2019) 3P 5C