



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Cont.P.(MD)No.219 of 2020

M.Balan : Petitioner

Vs.

P.Baskaran,
The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai - 624 802,
Dindigul District. : Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the contemnor/respondent for his deliberate and willful disobedience of the order passed in W.P.(MD) No.18024 of 2017, dated 05.11.2019.

Prayer in WP(MD). 18024/ 2017 :

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 and 2 to remove the encroachments made by the respondents 3 to 8 in Survey No.1195/53 of Vadamadurai Village, Vedasanthur Tk, Dindigul Dist.

For Petitioner : Mr.N.Marimuthu
For Respondent : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The petitioner has filed this Contempt Petition to punish the respondent for his deliberate and willful disobedience of the order passed by this Court in W.P.(MD)No.18024 of 2017, dated 05.11.2019.

2.By the order dated 05.11.2019, this Court has passed an order in the following lines:

"5.In the light of the above, we direct the second respondent to take further steps to issue notice to the encroachers affording them reasonable opportunities and pass appropriate orders. If there



is any encroachment, the same shall be removed. This direction has to be complied with by the second respondent within a period of six weeks from the date of receipt of a copy of this order."

3. Thereafter, it is admitted that the respondents have taken action by passing order under Section 6 of the Tamil Nadu Land Encroachment Act. The order passed by the respondent under the Tamil Nadu Land Encroachment Act was challenged in the Writ Petition by the fifth respondent in W.P.(MD)No.4274 of 2020. The said Writ Petition was dismissed on the ground that there is an alternative remedy available to the encroacher by referring to Section 10 of the Tamil Nadu Land Encroachment Act. Hence, liberty was given to the Writ Petitioner by name Selvi @ T.Kalai Selvi with an observation to exhaust the alternative remedy. It is also admitted before this Court that the encroacher has now filed an appeal under Section 10 of the Tamil Nadu Land Encroachment Act on 20.02.2020. In such circumstances, this Court do not see any contempt. The direction of this Court has been complied with by the respondent by passing an order directing the encroacher to remove the encroachment. The matter is now pending in appeal and therefore, there is nothing for this Court to initiate contempt against the respondent for any willful disobedience of the order of this Court. The Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai - 624 802,
Dindigul District.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-11438[F] dated 12/03/2020)

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-11532[F] dated 13/03/2020)

ORDER IN
Cont.P. (MD) No.219 of 2020
12.03.2020

SRM

TK/12.05.2020/2P/4C