



WEB COPY

Cont.P(MD)No.1478 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2020

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THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

Contempt Petition(MD)No.1478 of 2019

Thalamalaiaammal

... Petitioner

Vs.

1.A.Sivagnanam,
The District Collector,
Collectorate Office,
Virudhunagar Town & District.

2.P.Ramachandran,
The Tahsildar,
Taluk Office,
Rajapalayam Town,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for their wilful disobedience of the order passed by this Court in W.P(MD)No.14654 of 2018, dated 26.11.2018 under the Contempt of Courts Act.

Prayer in WP(MD)No.14654 of 2018

The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in the public pathway in Survey No.345/4 and 60/58 in Melur Duraisamiapuram Village of Rajapalayam Taluk, Virudhunagar District on the basis of the petitioner's representation dated 06.06.2018 within a stipulated time that may be fixed by this Hon'ble Court.

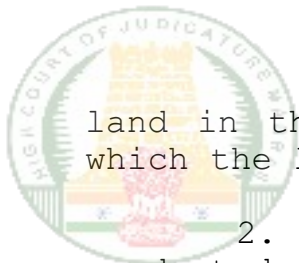
For Petitioner : Mr.M.Thirunavukkarasu

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

[Order of the Court was made by **M.DURAI SWAMY, J.**]

When the contempt petition came up for hearing on 03.01.2020, the learned Counsel for the petitioner submitted that in the proceedings of the second respondent dated 26.07.2019, which is enclosed in the typed set of papers filed by the learned Special Government Pleader, he has wrongly stated that there is no encroachment either in Survey No.345/4 or in Survey No.60/58. In those circumstances, the learned Counsel for the petitioner submitted that the second respondent may be directed to survey the



land in the presence of the petitioner on a particular date, for which the learned Special Government Pleader also agreed.

2. Pursuant to the said order, the second respondent conducted a survey on 20.01.2020 in the presence of the petitioner and found that there was no encroachment either in Survey No.345/4 or in Survey No.60/58.

3. Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents also filed a copy of the communication vide Na.Ka.A6/1341/2019, dated 20.01.2020, sent by the second respondent to him in this regard.

4. On a perusal of the same, it could be seen that an inspection was conducted on 20.01.2010 at 10.00 a.m., in the presence of the petitioner and the second respondent found no encroachment made in the lands which are the subject matter of this contempt petition. Further, the learned Counsel for the petitioner also admitted that there was no encroachment either in Survey No.345/4 or in Survey No.60/58.

5. In view of the communication sent by the second respondent to the learned Special Government Pleader appearing for the respondents, this Contempt Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rsb

To

1. The District Collector,
Collectorate Office,
Virudhunagar Town & District.

2.The Tahsildar,
Taluk Office,
Rajapalayam Town,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-2804[F] dated 24/01/2020)

Contempt Petition(MD)No.1478 of 2019

23.01.2020

SMA/05/02/2020/2P/4C