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Contempt Petition No.478 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Contempt Petition No.478 of 2019
and Sub Application (OS) No.215 of 2021

S.John Pushparaj,
No.110, Adi Dravidar Street,
Nambiyur Post 638 458,
Nambiyur Taluk,
Erode District

.. Petitioner

Vs

1 A.Ashokan
Revenue Divisional Officer
Gobichettipalayam - 638452
Erode District.

2 V.Uma Maheswaran
Tahsildar
Nambiyur - 638458
Erode District.

.. Respondents

Prayer: Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for having willfully and deliberately disobeyed the order of this Court passed in W.P.No.10792 of 2018, dated 26.4.2018.

Sub Application filed to implead the applicant as one of the respondents in the contempt petition.



Contempt Petition:

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For Petitioner : Mr.R.Baskaradoss
For Respondents : Mr.P.Muthukumar
Counsel for the State

Sub Application:

For Petitioner : Mr.R.Sreedhar

COMMON ORDER

(Order of the Court was made by *the Hon'ble Chief Justice*)

The sub-application is by the fifth respondent to the writ petition.

2. The writ petition complained of the fifth respondent thereto encroaching on government land and the failure on the part of the revenue authorities in taking appropriate steps. As is the usual practice in such cases, the merits of the matter are not gone into in this jurisdiction and the appropriate revenue officer is generally directed to look into the complaint and, if satisfied prima facie, inquire into the same by affording an opportunity of hearing to the alleged encroacher. It was a similar order that was passed by this Court on April 26, 2018 in W.P.No.10792 of 2018 instituted by the petitioner herein.



3. A compliance report has been filed by the second respondent.

Such report indicates that an encroachment in an area of 65 square metre was discovered and immediate appropriate steps have been taken to remove the encroacher from such part of revenue land.

4. The concerned respondent, however, suggests that no encroachment was found.

5. In the light of the report filed by the second respondent to the writ petition, who is discharging the duties of the Tahsildar in the relevant taluk now, it is the report which has to be accepted.

6. The petitioner, however, says that notwithstanding the removal of the encroachment, the fifth respondent to the writ petition continues to disturb and threaten to make further encroachment or reclaim that part of the government land from which he was removed.

7. Since the relevant order has been complied with, the contempt proceedings need to be dropped. However, the revenue authorities, including the Tahsildar exercising jurisdiction, should ensure that there is no encroachment on any revenue land and, particularly, that the fifth respondent to the writ petition does not reclaim any part of the land from which such respondent was removed pursuant to the encroachment being discovered.



Contempt Petition No.478 of 2019

WEB COPY Contempt Petition No.478 of 2019 is disposed of. There will be no order as to costs. Sub Application (OS) No.215 of 2021 is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

bbr

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/27/07/2021

To

- 1 The Revenue Divisional Officer
Gobichettipalayam - 638452
Erode District.
- 2 The Tahsildar
Nambiyur - 638458
Erode District.