

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Contempt Petition No.2325 of 2017

in
W.M.P. No.29316 of 2017
in
W.P. No.27417 of 2017

Indirani,
Door.No.3/182, Gandhi Street,
Medavakkam Main Road,
Kovilambakkam,
Sholinganallur,
Kancheepuram District.

.. Petitioner

Vs.

1.Mr.Rajeev Ranjan
The Secretary to Government
Highways & Minor Ports Department
Fort St. George, Secretariat, Chennai - 600 009

2.Mr.R.Kothandaraman
The Director General
Highways Department
Integrated Chief Engineers' Office
HRS Campus, 76 Sardar Patel Road
Guindy, Chennai - 600 025

3.Mr.M.K.Selvan
The Executive Engineer
Kancheepuram District State Highways
Integrated Chief Engineers' Office
HRS Campus, 76 Sardar Patel Road
Guindy, Chennai - 600 025

4.Mr.P.Ponniah
The District Collector
Kancheepuram District, Kancheepuram

5.Mr.Madhavan
The Special Tahsildar
Land Acquisition
Sholinganallur Taluk
Sholinganallur, Kancheepuram District

.. Respondents

* * *

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for wilful disobedience of the order dated 9.11.2017 in W.M.P. No.29316/2017 in W.P. No.27417 of 2017.

* * *

For Petitioner : Mr.G.Rajan
For Respondents : Mr.M.Elumalai,
Addl. Govt. Pleader

ORDER

Alleging wilful disobedience of the order of this court dated 09.11.2017 made in W.M.P. No.29316 of 2017 in W.P. No.27417 of 2017, the petitioner has preferred this Contempt Petition.

2. The petitioner has filed a writ petition earlier in W.P. No.27417 of 2017 for issuing a writ of mandamus forbearing the respondents therein from demolishing the building and taking possession of the land comprised in S.

No.123/1B situated at door No.137 Medavakkam Main Road, Kovilambakkam, Sholinganallur Taluk, Kancheepuram District otherwise than due process of law or without recourse to the Tamil Nadu Highways Act, 2001.

3. Though the petitioner claimed ownership over the land, this court in the writ petition filed by the petitioner in W.P. No.27417 of 2017, has held that the petitioner is only an encroacher. Since the petitioner is an encroacher and the encroachment is causing public nuisance, this court, after considering the fact that the petitioner's land is required for formation and widening of the road for public convenience, directed the District Collector to ensure removal of the encroachment by the petitioner by putting up a construction.

4. This court, has passed an order on 09.11.2017 to the effect that the respondents shall not dispossess the petitioner from the subject matter of the property. The Petitioner, as on date, is still in possession of the property. The respondents though required the land for the purpose of laying and widening of the road, her possession has not been disturbed till date. Therefore, this court is of the view that this contempt petition can be closed, as pendency of this contempt petition, will cause further hindrance for carrying out the directions of this court in the main writ petition in W.P. No.27417 of 2017.

5. Accordingly, the contempt petition is closed. The respondents shall also report compliance of the directions of this court. The fourth respondent, is also directed to file a report as and when the direction of this court is complied with.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

asr

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/31/03/2021

To

1.The Secretary to Government
Highways & Minor Ports Department
Fort St. George, Secretariat, Chennai - 600 009

2.The Director General
Highways Department
Integrated Chief Engineers' Office
HRS Campus, 76 Sardar Patel Road
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