IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

Contempt Petition No.89 of 2017

1.P.Manikandan
4/1, Jeeva Street,
Poolathur Village,
Kodaikanal Taluk,
Dindigul Disrict 624 202

2.K.K.P.Manikandan
2/96, Old Well Street,
Poolathur Village,
Kodaikanal Taluk,
Dindigul Disrict 624 202 ... Petitioners

Vs.

K.Natarajan,
2/96, Old Well Street,
Poolathur Village,
Kodaikanal Taluk,
Dindigul Disrict 624 202 ... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the act of criminal contempt committed by the respondent in M.P.No.1 of 2014 in Review Petition No.183 of 2013 in W.P.No.34431 of 2012.

For Petitioners : Ms.Elizabeth Ravi
For Respondent : Mr.B.Kumar, Senior Counsel
for Mr.A.Kalaivanan

O R D E R

(Order of the Court was made by P.N.PRAKASH, J.)

For the sake of convenience, the parties will be referred to by their names.

2. One Gokulakrishnan filed a Public Interest Litigation in W.P.No.34431 of 2012 in this Court, wherein, he prayed for removal of encroachments in survey No.671/2 in Poolathoor Village, Kodaikanal, Dindigul District. This Public Interest Litigation was disposed of by a Division Bench of this Court on 05.09.2013, in which, the following directions were issued :

> "16. For all the above reasons, while declining to grant the relief sought for by the petitioner, there will be a direction to the 6th respondent to remove all the encroachments in S.No.671/2 and to hand over the entire extent of property comprised in Survey No.671/2, Poolathur Village, after removing all the encroachments in the property, to the Conservator of Forest, Dindigul Circle, Dindigul, who shall take possession of the land, and take immediate steps to erect a fence around the entire extent of Survey No.671/2 and send a proposal to the Competent Authority for declaring the area as a Forest Land under the provisions of the Tamil Nadu Forest Act, 1882, within a period of three weeks from the date on which, possession is handed over."

It appears that the District Collector, Dindigul District, filed a review application in R.A.No.183 of 2013, seeking review of the order dated

05.09.2013 in W.P.No.34431 of 2012, on the ground that the land in survey No.671/2 belongs to the Government and there is a pathway that provides access to a nearby temple and therefore, the said land cannot be handed over to the Forest Department. While this review application was pending, one K.Natarajan and nine others (including one K.K.P.Manikandan and P.Manikandan) filed an impleading petition in the review application, in support of the stand taken by the District Collector in the review application. However, when the review application came up for hearing before a Division Bench of this Court, the following order was passed on 28.08.2014 :

> "Learned Government Pleader submits that he has received instructions to withdraw the review application, as the Government has taken the decision that the land in S.No.671/2, Poolathur Village, Kodaikanal, Dindigul District, be converted to Reserve Forest in terms of directions of the Court. In this behalf, letter No. 29202A/LD6/2014-3, dated 19.08.2014, has been produced before us, which states that while converting to Reserve Forest, the Forest Department may also ensure that the adjacent pattadars should not be affected in doing agricultural activities. The communication dated 19.08.2014 is taken on record.
>
> 2. In view of the aforesaid statement, the review application stands dismissed as withdrawn. Consequently, M.P.No.1 of 2013 also stands dismissed.
>
> 3. The list of pattadars be, however, placed on record within two (2) weeks from today."

K.K.P.Manikandan and P.Manikandan took a stand that they had not signed the vakalat, for filing the impleading petition in this Court and that,

K.Natarajan has himself forged the signature and has filed the same. On this premise, K.K.P.Manikandan and P.Manikandan approached the learned Advocate General under Section 15 of the Contempt of Courts Act, 1971, for consent, to prosecute K.Natarajan for criminal contempt. This application was dismissed by the learned Advocate General on 27.04.2016. Not satisfied with this, P.Manikandan and K.K.P.Manikandan have filed the present contempt petition alleging that K.Natarajan has committed acts of criminal contempt, warranting interference by this Court.

3. Heard Ms.Elizabeth Ravi, learned counsel for P.Manikandan and K.K.P.Manikandan and Mr.B.Kumar, learned Senior Counsel representing Mr.A.Kalaivanan, learned counsel on record for the respondent.

4. In the opinion of this Court, no orders were passed in the impleading petition that was filed by K.Natarajan in the review application adverse to any party. Since the review application itself was dismissed, the connected miscellaneous petition *viz*., the impleading petition was also dismissed. Therefore, this Court did not act in any manner on the impleading petition of K.Natarajan. Under such circumstances, we are of the view that this is not a fit case to take cognizance of the alleged offences, especially, in the light of the fact that the learned Advocate General himself has refused consent.

In the result, this contempt petition stands dismissed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.
GS/16/07/2021