



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

Cont.P(MD)No.435 of 2020
in
W.P(MD)No.2894 of 2019

P.Periya karuppan

... Petitioner/6th Respondent

Vs.

Balachandran,
Block Development Officer,
Karunkalakudi,
Kottampatti Union,
Melur Taluk,
Madurai District.

... Contemnor

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent / contemnor for committing grave contempt and gross disobedience of the order passed by this Court in W.P. (MD) No.2894 of 2019, dated 12.11.2019.

Prayer in WP(MD). 2894/ 2019 :

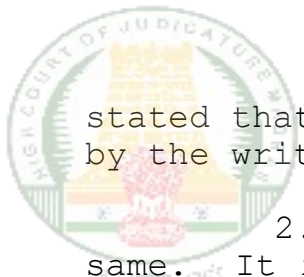
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 6 to remove the encroachment made in the Vandi Pathai situated in Survey No. 316/2 and in the Kalam situated in survey Nos. 317/1A , 317/1C1 and in the Poochikulam Kanmai situated in Survey No.320 in Salakkipatti Village, Thumbaipatti Union in Melur Taluk, Madurai District.

For Petitioner : Mr.M.Ramu
For Respondent : Mr.V.R.Shanmuganathan
Standing counsel

ORDER

(Order of the Court was delivered by **M.M.SUNDRESH, J.**)

We have perused the affidavits filed. The Contemnor has
<https://hcservices.ecourts.gov.in/hcservices/>



stated that the encroachment has been removed including the one made by the writ petitioner.

2. The learned counsel for the petitioner, disputed the same. It is further submitted by him that the water channel has to be restored.

3. We cannot go into the disputed question of facts in these proceedings. On the submission made, we do not find any wilful disobedience involved. We also direct the respondent / contemner to see to it that the water channels are restored, within a period of three months from the date of receipt of a copy of this order. If the contempt petitioner is of the view that the encroachment is yet to be removed, liberty is given to him to workout his remedy in the manner known to law.

4. With the above observation, the contempt petition stands closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

To

The Block Development Officer,
Karunkalakudi,
Kottampatti Union,
Melur Taluk,
Madurai District.

**Order made in
Cont.P(MD)No.435 of 2020 in
W.P(MD)No.2894 of 2019
04.03.2021**

SMV(CO)

SRS (15/03/2021) 2P : 2C