



WEB COPY

Cont.P.No.874 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Contempt Petition No.874 of 2022

in

W.P.No.18593 of 2021

N.Palani,
No.56, Perumudi vakkam,
Poorivakkam Post,
via Vengal, Uthukottai Taluk,
Thiruvallur District 601 103

... Petitioner

Vs.

1.P.Madhan,
Mettupalayam Colony,
Thirukandalam Village and Post,
Uthukottai Taluk,
Thiruvallur District 601 103

2.Dr.Alby John Varghese
The District Collector,
District Collectorate Buildings,
Thiruvallur District – 602 001.

3.Mr.Raman
The Tahsildar,
O/o the Tahsildar,
Uthukottai Taluk,
Thiruvallur District – 602 026.

4.M.Murali,
No.24, Nehru Street,



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Perumudivakkam,
Poorivakkam Post, via Vengal,
Uthukottai Taluk,
Thiruvallur District 601 103

... Respondents

PRAYER: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the first respondent for having disobedience of the order passed by this Court in W.P.No.18593 of 2021 on 26.10.2021.

For Petitioner : M/s B.Tushitha for Mr.R.Arunkumar
For Respondents : Mr.J.C.Durairaj
Additional Government Pleader
for R2 and R3

ORDER

[Order of the Court was delivered by **K.KALYANASUNDARAM, J**]

This contempt petition has been filed by the fourth respondent in W.P.No.18593 of 2021.

2.It was the contention of the writ petitioner that this contempt petitioner and one Murali/fourth respondent herein were encroacher of a water channel, Odai Poramboke.

3.This Court, vide order dated 26.10.2021, directed the Executive Engineer, Public Works Department/Water Resource Department, Kosasthalaiyar Basin Division, Thiruvallur to take appropriate action in accordance with law, after affording ample opportunity to all the necessary parties.



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4.The learned counsel appearing for the contempt petitioner would state that the official respondents did not conduct any enquiry. While so, the private party/writ petitioner trespassed into the property of the petitioner.

5.The learned Additional Government Pleader appearing for the official respondents Mr.J.C.Durairaj, on instructions, would state that there are about 41 encroaches have been identified so far, and the officials of the Public Works Department has been instructed to take appropriate action to remove the encroachments as per the directions issued in the writ petition.

6.The official respondents and the officials of the Public Works Department shall scrupulously comply with the direction issued in the writ petition.

7.In this case, we do not find any willful disobedience on the part of the official respondents. If there is any trespass by a private party as alleged by the petitioner, his remedy is before the competent civil Court.

8. In view of the above, the contempt petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

skn

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/09/06/2022

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2. The Tahsildar,
O/o the Tahsildar,
Uthukottai Taluk,
Thiruvallur District – 602 026.
3. The Executive Engineer,
Public Works Department/Water Resource Department,
Kosasthalaiyar Basin Division, Thiruvallur.