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Cont.P.No. 1144 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Contempt Petition No.1144 of 2021

S.Chandrasekar,
1/3, Srimathi Complex,
T.V.S Tollgate, Trichy – 620020.

.. Petitioner

Versus

Mr.Vadivel
The President
Kalkurichi Panchayat
Eachempatti Village
Senthamangalam Taluk
Namakkal District.

.. Respondent

Petition filed under Section 11 of the Contempts of Court Act, 1971, to punish the respondents for having wilfully violating the order of this Hon'ble Court dated 29.04.2021 made in W.P. No. 17489/2020.

For Petitioner : Mr.T.Balaji

For Respondent : Mr.Senthil Kumar

for M/s. Gnanadesikhan Law Associates

ORDER

This court, by order dated 29.04.2021, disposed of the writ petition viz.,

<https://hcservices.vcdpuris.gov.in/7489/vices/>
W.P.No.17489 of 2020, in the following terms:



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“Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and also taking note of the inspection report filed by the Tahsildar, Senthamangalam, this court directs the respondent authorities to take necessary action, to remove the encroachment in S.No.23, as per law and also on the basis of the report dated 04.01.2021 filed by the Tahsildar, Senthamangalam, within a period of six (6) weeks from the date of receipt of a copy of this order.”

Since the said order has not been complied with within the time frame to be stipulated by this court, the petitioner has come up with this contempt petition.

2. When the Contempt Petition was taken up for consideration, the learned counsel for the respondent submitted that the aforesaid order of this court dated 29.04.2021 passed in WP.No.17489 of 2020 was challenged by the respondent by filing WA.No.2180 of 2021, which was ultimately dismissed, by the Division Bench of this court by judgment dated 01.09.2021, the relevant passage of which is usefully extracted below:

“4. The learned counsel for the first respondent also produced the proceedings of the Deputy Director, Rural Development, Namakkal in Na.Ka.No.2887/2021/28, 15 dated 13.08.2021, in which, a request has been made to the Block Development Officer,



Senthamangalam to carry on the work of removal of encroachment, as per the order of the Writ Court and report to the office of the Block Development Officer.

5.As already the officials have taken action to remove the encroachments on the other hand, and on the other hand, the appellant / fourth respondent, pursuant to the order of the Writ Court, had filed the above writ appeal to stall its own proceedings, even without consulting the Block Development Officer or the other authorities. In such view of the matter, we do not find any error or defect in the order of the learned single judge, warranting interference by this court.”

Pursuant to the aforesaid judgment, the respondent has now come forward with an affidavit dated 28.12.2021, wherein, it was categorically averred as follows:

“5. This Respondent respectfully submitted that the encroachment is a pathway and it is used by the general public for more than 60 years. It is further submitted that as per the direction of this Hon'ble Court, this Respondent is ready and willing to co-operate with authorities to remove the encroachment as per the direction of this Hon'ble Court made in W.P.No.17489 of 2020 dated 29.04.2021. This Respondent is a law abiding citizen and he is not violating the order of this Hon'ble Court made in Writ Petition in W.P.No.17489 of 2020 dated 29.04.2021”.

Placing reliance on the same, the learned counsel submitted that the respondent would comply with the order of this court, within a time frame to be stipulated by this court.

3.Accepting the undertaking affidavit filed by the respondent, the learned counsel for the petitioner submitted that a reasonable time may be fixed for



complying with the direction of this court by the respondent authorities.

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4. Recording the affidavit filed by the respondent and the submissions made by the learned counsel on either side, this Contempt Petition stands closed, directing the respondent to comply with the order of this court 29.04.2021 in WP.No.17489 of 2020, within a period of four weeks from the date of receipt of a copy of this order.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

dhk

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/31/03/2022

To

The President
Kalkurichi Panchayat
Eachempatti Village
Senthamangalam Taluk
Namakkal District.