



Cont.P.No.1930/2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N.MALA

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S.Valli

.. Petitioner

Vs.

- 1.Thiru Muruges, IAS
District Collector,
Tiruvannamalai District,
Tiruvannamalai.
- 2.Tmt.Dr.M.Priyadharshini
District Revenue Officer
Tiruvannamalai.
- 3.Thiru Vetrivel
Revenue Divisional Officer
Tiruvannamalai.
- 4.Tmt.Saranya Devi
Assistant Director [Panchayats]
Tiruvannamalai.



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- 5.Thiru Suresh
Tahsildar
Tiruvannamalai.
- 6.Thiru Amirtharaj
Block Development Officer
Tiruvannamalai Union
Vengikkal, Tiruvannamalai.
- 7.Ramar
- 8.R. Veerabathira
- 9.R.Arjunan
- 10.A.Illayaperumal
- 11.M.Manohara
- 12.G.Ganthi
- 13.Dhandapani
- 14.Chinnasamy
- 15.Kadirvelu
- 16.Arumugam
- 17.Sekar
- 18.Palani
- 19.Kasthuri
- 20.Kamachi
- 21.Ramesh
- 22.Murugan
- 23.Raman
- 24.Murugan
- 25.Kumar
- 26.S.Santhakumar
- 27.Seetu
- 28.Ravi
- 29.Lakshmi
- 30.Jai Ganeshnan
- 31.Kalliammal
- 32.Moorthi



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- 33.Selvan
- 34.Vinayagam
- 35.Kalaimani
- 36.Sanmugasundaram
- 37.Kamaraj
- 38.Rangasamy
- 39.Sivakumar
- 40.Suresh
- 41.Jayaraman
- 42.Samynathan
- 43.Pugalenthi
- 44.Poovaragavan
- 45.Meenatchi
- 46.Sivan
- 47.Muniyammal
- 48.Sentharamani
- 49.Raja
- 50.Kuppu
- 51.Shankar
- 52.Ravi
- 53.Maheswari
- 54.Kullachi
- 55.Amavasi
- 56.Selvam
- 57.Chandrasekar
- 58.Arumugam
- 59.Palani
- 60.Samynathan
- 61.Saroja
- 62.Chandira
- 63.G.Kumar
- 64.M.Velu
- 65.Anjalai
- 66.Viruthabai
- 67.M.Velu



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68.K.Rajeshwari

.. Respondents

****RR7 to 68 are impleaded as per order of this Court dated
28.10.2022 in Sub.Appl.No.620/2022 in Cont.P.No.1930/2022**

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for gross disobedience in not removing the encroachments in S.No.20/1 [lake] Keezhnachipattu Village, Tiruvannamalai District, S.No.28/1 [lake], Keezhnachipattu Village, S.No.77/1 [channel], Nochimalai Village, Tiruvannamalai District as per the dictum and directions of this Court in WP.No.22163/2018 dated 27.01.2022 as liberty given in WPN0.17585/2022.

For Petitioner : Mr.N.Suresh

For RR 1 to 6 : Mr.A.Selvendran
Spl.Govt.Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This Contempt Petition is filed alleging willful disobedience of the order passed by this Court in the writ petition in WP.No.22163/2018 dated 27.01.2022.



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- (2) Brief facts that are necessary for the disposal of this Contempt Petition are as follows.
- (3) The petitioner filed a writ petition earlier in WP.No.17585/2022 for issuance of a writ of mandamus to direct the respondents to remove the encroachments in the water body in S.Nos.77/1 and 20/1 and in the lake in S.No.28/1 in Keezhnachipattu Village, Tiruvannamalai Taluk and District.
- (4) The petitioner in the contempt petition described the lands encroached as water body. The prayer in the writ petition itself would indicate that the petitioner seeks similar direction from this Court as it was held in another case filed by one Mr.K.K.Ramesh for similar relief.
- (5) Placing reliance on the general directions of this Court, the petitioner herein filed WP.No.17585/2022. Since the prayer itself is to issue directions to the respondents as per the dictum of this Court passed earlier in another writ petition in WP.No.22163/2018, this Court disposed of WP.No.17585/2022 on the following lines:-



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"The learned counsel for the petitioner prays for withdrawal of the writ petition, with liberty to file contempt petition. He has also made an endorsement to that effect on the petition. Accordingly, this writ petition is dismissed as withdrawn, with the said liberty. There shall be no order as to costs."

- (6) Though the order passed by this Court read as if the petitioner sought for withdrawal of the writ petition with liberty to file a contempt petition, the learned counsel for the petitioner states that the order was forced in view of the prayer in the writ petition and he has no option at that time. Though the statement of the learned counsel for the petitioner appears to be true, this Court need not go into this aspect at this stage.
- (7) The prayer in the present contempt petition is to initiate contempt as there was willful disobedience of the order passed by this Court. This Court noticed that the Court at no point of time, found that the respondents in the writ petition are in encroachment. The order passed in the earlier writ petition in WP.No.22163/2018 cannot be



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understood with reference to any specific land for which the petitioner has approached this court for removal of encroachment.

- (8) In that view of the facts admitted, this Court is unable to find any merit in the contempt petition and hence, the contempt petition is **closed**. However, liberty is given to the petitioner to file either a Review Application or a separate Writ Petition for removal of encroachment in the specific lands in respect of which the petitioner claims that there are encroachments.

[SSSRJ] [NMJ]

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AP

Internet : Yes



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