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Contempt Petition No.412 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.01.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

Contempt Petition No.412 of 2017

K.Muthusamy,
158, Mariamman Koil Street,
Noothappur Post 621 117,
Veppanthattai Taluk,
Perambalur District

.. Petitioner

Vs.

- 1 Nandakumar
District Collector
Perambalur District
Perambalur.
- 2 V.Manonmani
Tahsildar
Veppanthattai Taluk
Perambalur District.
- 3 A.Deiveegan
Executive Engineer
Public Works Department (Irrigation)
Ariyalur, Ariyalur District.
- 4 Velmurugan
Assistant Engineer
Public Works Department (Irrigation)
Chinnaru Division
Perambalur, Perambalur District.

.. Respondents



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Prayer: Petition under Section 11 of the Contempt of Courts Act to punish the respondents for willful disobedience of the order passed on 18.4.2016 in W.P.No.14270 of 2016.

For the Petitioner	: Mr.P.Ganesan for M/s.C.S.Associates
For the Respondents	: Mrs.R.Anitha Special Government Pleader
	: Mr.Bhagavath Krishnan PMN Advocate Commissioner

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

The contempt petition has been filed alleging non-compliance of the judgment of this court dated 18.4.2016 passed in W.P.No.14270 of 2016.

2. This court took cognizance of the issue and passed orders from time to time. A detailed order was passed on 27.9.2021 to find out as to whether compliance of the order passed by this court has been made or not. By the aforesaid order, an Advocate Commissioner was appointed to survey the area and submit a report as to whether encroachment on the water catchment area has been removed or not.



3. The Advocate Commissioner inspected the site on 15.11.2021

submitted a report to the effect that encroachment existed at three points.

Thereafter, this court passed another order on 9.12.2021 directing the Advocate Commissioner to again inspect the site. Pursuant to the aforesaid, the Advocate Commissioner inspected the site on 19.1.2022 and found that all the encroachments have been removed. In reference to the latest report submitted by the Advocate Commissioner pursuant to the survey conducted on 19.1.2022, the petitioner has shown satisfaction and submits that now the encroachment has been removed.

4. In view of the above, nothing survives in the contempt petition.

Therefore, the contempt petition is ordered to be closed with a direction to the respondents to bear the costs of the Advocate Commissioner. The respondents shall reimburse the amount of Rs.25,000/-, which was earlier paid by the petitioner to the Advocate Commissioner, to the petitioner. The respondents shall further pay a sum of Rs.25,000/- to the Advocate Commissioner directly. A total sum of Rs.50,000/- would be borne by the respondents. The said amounts shall be paid within two weeks from the date of receipt of a copy of this order. It would, however, be open for the government to recover the said amount from the defaulting officers who failed to comply the order of this court, which forced the petitioner to file



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the contempt petition. It is due to the inaction or negligence of the
contemnors that the contempt has been filed before this court.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sasi

//Certified to be true copy//

Dated at Madras this the day of 2022.

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/02/05/2022

To

- 1 The District Collector
Perambalur District
Perambalur.
- 2 The Tahsildar
Veppanthattai Taluk
Perambalur District.
- 3 The Executive Engineer
Public Works Department (Irrigation)
Ariyalur, Ariyalur District.
- 4 The Assistant Engineer
Public Works Department (Irrigation)
Chinnaru Division
Perambalur, Perambalur District.