



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

Contempt Petition(MD)No.645 of 2022

Aadhi Kesava Perumal
Seva Arakattalai,
Rep.by its Secretary,
N.Thangappan

... Petitioner

vs.

Mr.P.Bhaskaran,
The Divisional Engineer,
Highways,
Construction and Maintenance,
Nagercoil,
Kanyakumari District.

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/respondent for having willfully and deliberately disobeyed the orders of this Court passed in W.P(MD) No.19365 of 2018 dated 25.03.2021.

Prayer in WP(MD) . 19365/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus to direct the respondents to remove the encroachment S.No.854, situated at Thiruvattar village, kalkulam taluk, Kanyakumari District as per old plan.

For Petitioner

: Mr.D.Ramya

For Respondent

: Mr.J.K.Jeyaseelan, Government Advocate

ORDER

R.SUBRAMANIAN, J.

AND

S.ANANTHI, J.

The grievance of the petitioner is that the orders of this Court dated 25.03.2021 made in W.P(MD)No.19365 of 2018, has not been complied with. The operative portion of the said order reads as follows:-

'3.Considering the facts and circumstances of the case, we direct respondent No.2 to consider the representation of the petitioner dated 06.06.2018, after affording an



opportunity of hearing to the petitioner and others concerned, and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.''

2. Pursuant to the said direction, the department had initiated action for survey. This was objected to by the petitioner on the ground that the survey must happen as per the old survey plan and not as per the re-survey plan. Therefore, conveniently, the department stopped the survey operations. The petitioner cannot insist on how the survey should be done. The direction is to the authorities to consider the representation of the petitioner and take appropriate action. If the petitioner is aggrieved by the manner in which the survey is done, he should have allowed the survey to happen and thereafter questioned it in the manner known to law. We do not find any contempt, since the orders of this Court have been complied with by the respondent.

3. This Contempt Petition is, therefore, dismissed.

Sd/-

Assistant Registrar (Writ)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Divisional Engineer,
Highways,
Construction and Maintenance,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-20884[F] dated 25/04/2022)

Cont.P(MD)No.645 of 2022

DATED : 22.04.2022

NSN(CO)

KB(09.05.2022) 2P 3C