



Cont.P.(MD)No.654 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.ANANTHI**

Cont.P.(MD) No.654 of 2022
in W.P.(MD) No.12818 of 2021

A.Pandikannan

... Petitioner/Petitioner

Vs.

Mr.Balakrishnan,
The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

... Contemnor/3rd Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to initiate the contempt proceedings and call upon the contemnor/3rd respondent for wilful disobedience of the order passed by this Hon'ble Court in W.P.(MD) No.12818 of 2021 dated 28.07.2021.

For Petitioner

: Mr.M.Prabhu

For Respondent

: Mr.A.K.Manikkam

Special Government Pleader

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Alleging wilful disobedience of the order of this Court in W.P.(MD) No.12818 of 2021, dated 28.07.2021, this Contempt Petition has been filed.

2. Heard Mr.M.Prabhu, learned counsel for the petitioner and Mr.A.K.Manikkam, learned Special Government Pleader, appearing for the respondent.

3. The petitioner filed the above writ petition for issuance of Writ of Mandamus, directing the respondents No.1 to 3 herein to remove the encroachment made by the 4th respondent in Survey No.266/1 to an extent of 1.16.5 hectare and in 266/5 to an extent of 0.14.0 hectare which are classified as Mayanam (Burial Ground) situated at Paulkulam – Maravamangalam Village, Kalaiyarkovil Taluk, Sivagangai District. Though a positive direction was sought, this Court disposed of the writ petition in the following lines:

“ 3.Since we are disposing of the writ petition without notice to the fourth



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respondent, we are not inclined to issue any positive direction. However, the allegation being that there is an encroachment in a land classified as Mayanam, the third respondent is directed to look into the petitioner's representation dated 06.07.2021 and take action in accordance with law, after notice to the fourth respondent. This direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order.”

4. The petitioner has now filed the contempt petition stating that the respondent has not complied with the directions of this Court, even though he identified the fourth respondent as an encroacher.

5. Learned Special Government Pleader appearing for the respondent on instructions submitted that the land was assigned in favour of the sons of the fourth respondent in the writ petition on the ground that it is an assignable land and the fourth respondent's sons are landless poor. He would further submit that the assignment was cancelled by order dated 29.04.2022, and that the assignees have filed independent writ petitions in W.P.(MD) Nos.



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10451 and 10457 of 2022, challenging the order of cancelling the assignment and obtained an order of interim stay.

6. It is in these circumstances, learned Special Government Pleader submitted that the respondent has not violated any order of this Court and he has taken steps promptly pursuant to the direction of this Court. Since there is no positive direction by this Court and it is subject to the independent claim of private respondent in the writ petition, this Court finds no cause to pursue contempt.

7. In view of the above, giving liberty to the petitioner to implead himself in the writ petitions filed by the sons of the fourth respondent in the writ petition and preserving the right of the petitioner, if any, to pursue the matter further, this Contempt Petition is closed as the respondent has taken appropriate action for cancellation of assignment pursuant to the direction of this Court.

[S.S.S.R., J.] [S.A.I., J.]
11.07.2022

Index : Yes / No
sj



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To

The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.



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S.S.SUNDAR, J.

and

S.ANANTHI, J.

sj

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