



WEB COPY

Cont.P(MD)



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

Cont.P.(MD) No.778 of 2022

Selvam

... Petitioner/Petitioner

Vs.

Mr.S.Sekar,
Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

... Contemnor/3rd Respondent

Prayer: Contempt 0Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to initiate contempt proceedings against the Contemnor/respondent No.3 for the wilful disobedience of the order of this Hon'ble Court made in W.P.(MD) No.10119 of 2020 dated 12.07.2021.

Prayer in WP(MD) . 10119/2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or order or direction in the nature of Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment made in the Nilaviyal pathai situated in New Survey No.548/23 at Vempanur East Village, Agastheeswarm Tk, Kanyakumari District in the light of the proceedings of the 1st respondent in Oo.Mu/M2/5848/2019 dated 26.2.2019 within a time.

For Petitioner	: Mr.S.R.Anbarasu
For Respondent	: Mr.A.K.Manickam
	Additional Public Prosecutor
	* * *

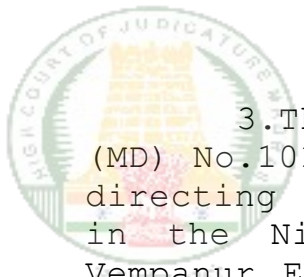
ORDER

(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.10119 of 2020 dated 12.07.2021, this Contempt Petition has been filed.

2.Heard Mr.S.R.Anbarasu, learned counsel for the petitioner and Mr.A.K.Manickkam, learned Additional Public Prosecutor, appearing for the respondent.

<https://www.mca.gov.in>



3.The petitioner has earlier filed a writ petition (MD) No.10119 of 2020, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in the Nilaviyal pathai situated in new survey No.548/23 at Vempanur East Village, Agastheeswaram Taluk, Kanyakumari District in the light of the proceedings of the first respondent in Omu./Em2/5848/2019, dated 26.02.2019 within a time frame.

4.This Court while disposing of the Writ Petition observed as follows:

"6.In the light of the above, we are of the view that since already the third respondent is directed to proceed further pursuant to the notice issued under Section 7 of the Act and provide full and effective contention and conduct an enquiry in which notice should be issued to the petitioner as well as the fourth respondent and after considering all the documents and submissions, a speaking order will be passed on merits and in accordance with law, as statute would mandate under Section 6 of the Act. The said exercise will be completed within a period of three months from the date of receipt of a copy of this order."

5.Pursuant to the direction of this Court, it is admitted even by the petitioner that the respondent has passed an order under Section 6 of the Land Encroachment Act stating that there is no encroachment as such. Even in the Writ Petition, the petitioner has stated that the encroachment is only in the Nilavial Pathai situated in S.No.548/23 at Vempanur East Village, Agastheeswaram Taluk. The Nilavial Pathai or pathway, which is detailed in FMB may run in private patta land also. Unless there is encroachment in the public pathway, there is no scope for treating the entire survey number as a property of Government. We cannot go into the details of respective claims made by the respondents in the writ petition as well as petitioner. However, it is to be said that the direction of Court was complied by passing order after hearing all the persons interested.

6.In such circumstances, this Contempt Petition is closed recording compliance.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2022

Sub Assistant Registrar (CS)



Cont.P(MD)



22

To
S.Sekar
Tahsildar,
Agastheeswaram Taluk,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-30945[F] dated 11/07/2022)

Cont.P. (MD) No.778 of 2022

07.07.2022

USK/19.07.2022/3P/3C