



Cont.P.(MD).No.821 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

CORAM:

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

Cont.P(MD)No.821 of 2022

in

W.P(MD)No.10192 of 2022

S.Subramany

.. Petitioner/Petitioner

Vs.

1.Dr.K.Senthilraj, IAS,
The District Collector,
Thoothukudi District,
Thoothukudi.

2.Mrs.Mahalakshmi,
The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.Mrs.Krishnakumari,
The Tahsildar,
Ettayapuram,
Thoothukudi District.

..Contemnors/Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt Courts Act, to punish the contemnors/respondents for their wilful disobedience of the order passed by this Court in W.P(MD)No.10192 of 2022 dated 18.05.2022.



Cont.P.(MD).No.821 of 2022

For Petitioner : Mr.M.Pandi
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

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

This contempt petition is filed alleging wilful disobedience of the order passed by this Court in W.P(MD)No.10192 of 2022 dated 18.05.2022.

2.Heard Mr.M.Pandi, learned counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents.

3.Earlier, this Court has disposed of the writ petition filed by the writ petitioner by directing the writ petitioner to approach the District Collector by way of statutory appeal provided under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. Of-course, this Court had also observed that the respondents shall not evict the petitioner from the property till such time, the appeal filed by the petitioner is disposed of the by the first respondent, District Collector. It is alleged that the respondents have disobeyed the direction of this Court and damaged the super structure of the property of the petitioner. During



Cont.P.(MD).No.821 of 2022

the pendency of the appeal before the District Collector, the above contempt petition is filed.

4.The learned Additional Government Pleader states that the petitioner and their men have dismantled the super structure and had set fire on the thatched sheds, which is adjacent to the property, on their own and the officials have not done any mischief as alleged.

5.The learned Additional Government Pleader appearing for the respondents producing copies of few photographs submitted that it is only the petitioner's men, who have dismantled the fencing and the temporary thatched superstructure. This Court is unable to accept the case of the petitioner by mere statement. This Court finds no material to show that the respondents and their men had damaged the property of the petitioner. Further, on perusal of the photographs produced by Additional Government Pleader, it is seen that men are working in the field by dismantling the temporary superstructure put up by the petitioner. None of the photographs produced by the petitioner shows the presence of officials. The Learned Additional Government Pleader states that the encroachment is not removed, statement is recorded.



Cont.P.(MD).No.821 of 2022

6.In such circumstances, this Court is not inclined to entertain the contempt petition, merely on the basis of the statement which is not supported by any verifiable material. Hence, this Contempt Petition is closed.

(S.S.S.R.J.) (S.S.Y.J.)
08.07.2022

Index:Yes/No

Internet:yes

Ns

To

1.Dr.K.Senthilraj, IAS,
The District Collector,
Thoothukudi District,
Thoothukudi.

2.Mrs.Mahalakshmi,
The Revenue Divisional Officer,
Revenue Divisional Office,
Kovilpatti,
Thoothukudi District.

3.Mrs.Krishnakumari,
The Tahsildar,
Ettayapuram,
Thoothukudi District.



WEB COPY



Cont.P.(MD).No.821 of 2022

S.S. SUNDAR, J.,
and
S.SRIMATHY,J.,
Ns

Cont.P(MD)No.821 of 2022
in
W.P(MD)No.10192 of 2022

08.07.2022