



Cont.P(MD)No.1001 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

Cont.P(MD)No.1001 of 2022

Senthil

... Petitioner/Petitioner

vs.

Malathi,
The Executive Officer,
Devakottai Panchayat Union,
Sivagangai District.

... Contemnor/4th Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the respondent for their wilful disobedience in not complying with the order dated 03.02.2022 passed in W.P(MD)No.2181 of 2022 on the file of this Court.

For Petitioner	: Mr.J.Anandkumar
For Respondent	: Mr.J.Ashok Additional Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Alleging non compliance of the order dated 03.02.2022 passed in W.P(MD)No.2181 of 2022, this contempt petition has been filed.

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2. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondent submitted that subsequent to the order passed by this Court in the abovesaid writ petition, writ petitions were filed W.P(MD)Nos.16675, 16685, 16728 and 16749 of 2022 by some other persons to defer the process of removal of encroachment in S.No.36/21 until the disposal of the suit in O.S.No.70 of 2022 on the file of the District Munsif Court, Devakottai. The Division Bench of this Court by a common order dated 28.07.2022, has issued the following directions:-

"6. It is in these circumstances, this Writ Petition is disposed of with the following directions:-

6.1. The third respondent is directed to conduct a survey after issuing notice to the petitioners and other interested persons with regard to the extent and the manner of encroachment made by the petitioners. After conducting survey and preparing a report, it is open to the third respondent to initiate further proceedings under the provisions of the Tamil Nadu Land Encroachment Act.

6.2. It is made clear that the third respondent is expected to hold an enquiry and proceed further with the removal of encroachment after conducting survey in the presence of the petitioners. If the encroachment is confirmed, the third respondent is directed to issue show cause notice to



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the petitioners and then pass final orders after considering the objection/representation, if any received from the petitioners. Any order that may be passed will be subject to the outcome or decree that may be passed in the suit.

6.3. Till such time the third respondent pass final orders regarding removal of encroachment, the respondents are directed to maintain status-quo.

6.4. It is open to the petitioners to pursue the pending suit and seek appropriate interim orders."

3. He further submitted that the authorities are acting as per the abovesaid directions of the Division Bench.

4. Recording the said submission, the Contempt Petition is closed.

[R.M.D.,J.] & [J.S.N.P.,J.]
23.09.2022

Index : Yes / No
Internet : Yes
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To

Malathi,
The Executive Officer,
Devakottai Panchayat Union,
Sivagangai District.

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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

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ORDER MADE IN
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DATED : 23.09.2022