



Cont.P(MD)No.1006 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 14.11.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

**and**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

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A.Rajendran

... Petitioner/Petitioner/Petitioner

Vs.

Thiru Saravanan,  
Tahsildar,  
Tahsildar Office,  
Viralimalai Taluk,  
Pudukottai District.

... Contemnor/Contemnor/Respondent

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for his willful and deliberate disobedience of the order of this Court made in W.P(MD)No.13446 of 2012 dated 31.07.2017.

For petitioner : Mr.A.Vadivel

For Respondent : Mr.D.Sasikumar,  
Additional Government  
Pleader



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**ORDER**

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WEB COPY

**M.S.RAMESH, J.**

Alleging willful disobedience of the order dated 31.07.2017 passed in W.P(MD)No.13446 of 2012, the above contempt petition is filed.

2. Heard Mr.A.Vadivel, learned counsel for the petitioner and Mr.D.Sasiskumar, learned Additional Government Pleader appearing on behalf of the respondent.

3. To the prayer made in the writ petition seeking for a direction to the respondent to remove the encroachments in Survey No.52/1 of Virudapatty Village, Illupur Taluk, Pudukkottai District, a coordinate Bench of this Court in W.P(MD)No.13446 of 2012, had directed the respondent to conduct an enquiry after giving due opportunity and in case encroachments are found therein, there was a direction to the respondent to take action in accordance with law for removal of the same.



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4. Alleging that the respondent had not removed the encroachments in spite of the orders of the coordinate Bench, a contempt petition came to be filed, in which, the respondents had reported that the encroachments in Survey Nos.52/1 and 52/76 were removed on 01.06.2018 and 04.01.2019 and thereafter, boundary stones were also laid. Such a statement was recorded and the contempt petition came to be closed.

5. Pleadings of the petitioner in the present writ petition is that there are still some more encroachments in Survey No.52/77 and since the respondent had failed to evict those encroachments, he has complained of willful disobedience.

6. We are unable to endorse such a claim made by the petitioner. What he had sought for in the original writ petition was for removal of encroachments in Survey No.52/1 and not for Survey No.52/77. The coordinate Bench had also directed the respondent to take action against any encroachment if found in Survey No.52/1 and accordingly, the respondent had also followed due procedure and removed encroachments in Survey No.52/1 apart from other Survey Number. When there was no specific orders for taking necessary action for removal of encroachments



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in Survey No.52/77, we do not deem it to be a disobedience of the earlier orders passed in W.P(MD)No.13446 of 2012, dated 31.07.2017. As such, the disobedience alleged by the petitioner in this contempt petition cannot be termed to be a willful disobedience of the orders passed by the coordinate Bench.

7. If the petitioner is of the view that the encroachments in Survey No.52/77 are to be removed, liberty is hereby granted to him to work out his remedy in accordance with law. With such liberty, this Contempt Petition stands closed.

**[M.S.R.,J.] & [G.R.S.,J.]**

**14.11.2022**

Index : Yes/No

Internet : Yes/No

pm

To

The Tahsildar,  
Tahsildar Office,  
Viralimalai Taluk,  
Pudukottai District.



WEB COPY



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**M.S.RAMESH, J.**  
**AND**  
**G.R.SWAMINATHAN, J.**

pm

**JUDGMENT MADE IN**  
**Cont.P(MD)No.1006 of 2022**

**14.11.2022**