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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**CONT.P(MD)NO.1838 OF 2021
and
W.P(MD)No.5424 of 2021
and
SUB.A(MD)No.331 of 2021**

Lakshmi

:Petitioner/Writ Petitioner

.VS.

1.Anees Sekar, I.A.S.,
The District Collector,
Madurai District,
Madurai.

2.A.Anantha Krishnan,
The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.A.Perumal,
The Surveyor,
Taluk Office,
Thirumangalam,
Thirumangalam Taluk,
Madurai District.

:Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the respondents for their wilfully and wantonly disobeying the order passed by this Court



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made in W.P(MD)No.5424 of 2021, dated 24.08.2021 under Section 11 of the Contempt of Courts Act.

For Petitioner	:Mr.M.Joseph Thatheus Jerome
For Respondents	:Mr.Veera Kathiravan Addl.Advocate General assisted by Mr.P.Thilak Kumar Government Pleader

O R D E R

(Order of the Court was made by D.KRISHNAKUMAR,J)

This Contempt Petition is filed seeking to punish the respondents for their wilfully and wantonly disobeying the order passed by this Court made in W.P(MD)No.5424 of 2021, dated 24.08.2021 under Section 11 of the Contempt of Courts Act.

2.The Petitioner filed W.P(MD)No.5424 of 2021 and this Court by order, dated 24.08.2021 passed the order which reads as follows:

"5.Recording the submission made by the learned Standing Counsel for the Official respondents to the effect that the encroachments made by the private respondents as well as the Petitioner would be removed in accordance with law, the Writ Petition is disposed of with a direction to the second respondent to comply with the order passed under Section 6 of the Act, as



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expeditiously as possible. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed."

3. Pursuant to the above-said order, the Petitioner has filed the Contempt Petition before this Court for the wilful disobedience of the orders passed by this Court.

4. The aforesaid order of the Division Bench of this Court directs the second respondent to comply with the order passed under Section 6 of the Act, as expeditiously as possible. The statutory notice was issued in the above said Contempt Petition to the respondents.

5. The learned Additional Advocate General appearing for the respondents has brought to the notice of this Court that the aforesaid direction was issued against the second respondent/The Tahsildar, Thirumangalam Taluk, Thirumangalam, but the Petitioner has unnecessarily added the District Collector, Madurai District, who is the first respondent, as a party to the present contempt proceedings.

6. The Second Respondent has filed a report before this



Court, in which, it has been stated that the Tahsildar, Thirumangalam Taluk, Thirumangalam had inspected M.Veerapatti Village on 16.06.2021 and after due verification of revenue records, found the following encroachments:

S.No.	Name of the Encroacher	Patta granted during Natham Settlement	Encroachment made in S.No. 249/112A (in sq.ft)	Nature of Encroachment
1	Lakshmi, Writ Petitioner	249/104B	129	House
2	Kumar	249/102B	165	House
3	Pitchai	249/102A	753	House and Tin Sheeted Shed
4	Pushpavalli	249/95B	23	House

7.The field inspection also revealed that the encroachers have encroached upon only the Natham vacant site by constructing houses upto two floors.

8.The second respondent issued a final notice in R.O.C.No. 1253/2021/C2, dated 15.11.2022. Pursuant to the said notice, the second respondent has sought for police protection which consists of the Deputy Superintendent of Police and 80 police personnel and almost all the encroachments were removed as early as on



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28.11.2022. Except one of the respondent in the Writ Petition namely, Pushpavalli, who has encroached upon 23 sq fts in S.No. 249/112A, wherein, the Petitioner/Lakshmi has made the encroachments as follows:

S.No.	Name of the Encroacher	Patta granted during Natham Settlement	Encroachment made in S.No. 249/112A (in sq.ft)	Nature of Encroachment
1	Lakshmi, Writ Petitioner	249/104B	129	House

9.Pushpavalli,the sixth respondent in the Writ Petition, who has made encroachments to the extent as indicated above, has given an undertaking before the authority that if the said wall is removed, the entire building will be collapsed.Therefore she seeks three months time to remove the said encroachment by making alteration of the building.

10.In view of the specific undertaking given by Pushpavalli, who is one of the respondents in the Writ Petition and recording the status report filed by the second respondent, the said Pushpavalli, who is the sixth respondent in the Writ Petition, is given three months time to remove the encroachment made by her and in



default, the second respondent/Tahsildar, Thirumangalam Taluk, Thirumangalam is directed to take action for removal of encroachment made by the said Pushpavalli and remove the same within a period of three weeks thereafter. The appearance of the first respondent/Mr.Anees Sekar, The District Collector, Madurai District, Madurai before this Court, is dispensed with and discharged from the Contempt Proceedings.

11.With the above directions, the Contempt Petition is closed.
No costs. Consequently, connectes Sub-Application is closed.

[D.K.K.,J.] [R.V.,J.]
16.12.2022

Index:Yes/No

Internet:Yes/No

vsn

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

vsn

ORDER MADE IN

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and

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