



Cont.P(MD)No.1578 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Cont.P(MD)No.1578 of 2022

in

W.P(MD)No.14644 of 2021

Jeyachandara

... Petitioner/Petitioner

Vs.

1.Pushpadevi,
The Revenue Divisional Officer,
Karur,
Karur District.

2.Kaliyamurthy,
The Tahsildar,
Kulithalai Taluk,
Kulithalai,
Karur District.

... Contemnors/ Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondents herein for the willful disobedience of the order passed by this Court made in W.P(MD)No. 14644 of 2021, dated 18.08.2021 under the Contempt of Court Act.



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For Petitioners : Mr.M.Thirunavukkarasu
For Respondent : Mr.D.Sasikumar,
Additional Government Pleader

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

The order passed in the writ petition in W.P(MD)No.14644 of 2021, was a direction to the respondents to initiate eviction process in accordance with law.

2. Pursuant to the order passed, the respondents have issued notice under Section 7 of the Land Encroachment Act, on 13.09.2022, which was followed by an another notice under Section 6 of the Land Encroachment Act, on 23.09.2022.

3. The case of the petitioner is that the respondents have no authority to send notice under Section 6 of the Land Encroachment Act on 23.09.2022, when admittedly the notice under Section 7 of the Land Encroachment Act, gave a time limit, till 30.09.2022.



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4. We are unable to agree with the grounds raised in the present contempt petition. Even assuming that Section 6 notice was sent before the expiry of the time limit prescribed under Section 7 notice, the same would not amount to disobedience of the orders of the writ Court. On the other hand, this may possibly give rise to cause of action for challenging such a notice. Thus, when the respondents have chosen to initiate proceedings under the Land Encroachment Act, in accordance with law, improperly sending of notices before the expiry of time limit under Section 7, will not be construed to be a wilful disobedience of the Court order.

5. Thus, we do not find any merit in this contempt petition. Accordingly, this contempt petition stands dismissed.

[M.S.R.,J.] & [K.M.S.,J.]

29.11.2022

Index : Yes/No

Internet : Yes/No

RM



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Copy to

1.The Revenue Divisional Officer,
Karur,
Karur District.

2.The Tahsildar,
Kulithalai Taluk,
Kulithalai,
Karur District.



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M.S.RAMESH, J.
AND
K.MURALI SHANKAR, J.

RM

ORDER MADE IN
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29.11.2022