



Cont.P(MD)No.961 of 2018

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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and

Sub.A(MD)No.209 of 2018

Mr.V.Gnanasekaran

... Petitioner/Respondent No.6

Vs.

Thiru.P.S.Elango,
The Executive Officer,
A.Vallalapatti Town Panchayat,
Melur Taluk,
Madurai District.

... Contemnor/Respondent No.4

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnor/4th respondent for willfully disobeying the order in W.P(MD)No.15115 of 2014 dated 28.07.2017.

For petitioner : Mr.A.John Vincent

For Respondent : Mr.Ayiram K.Selvakumar



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ORDER

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(Order of the Court was made by **M.S.RAMESH, J.**)

Alleging willful disobedience of the order, dated 28.07.2017 passed in W.P(MD)No.15115 of 2014, the above contempt petition is filed.

2. Heard Mr.A.John Vincent, learned counsel for the petitioner and Mr.Ayiram K.Selvakumar, learned standing counsel appearing on behalf of the respondent.

3. The writ petition was preferred by one T.Duraipandi seeking for removal of encroachment in Survey No.894/21, A.Vallalapatti Village, Melur Taluk, Madurai District which was alleged to have been put up by the petitioner in the present contempt petition and another. The coordinate Bench of this Court while passing orders in the writ petition on 28.07.2017, had directed the authorities to follow the due process of law for the purpose of removal of encroachment if any. The petitioner herein was arrayed as sixth respondent in the writ petition. He has now filed the present contempt petition alleging that since the enquiry report evidences the writ petitioner and another have encroached into the lands,



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he has sought for action against such encroachments by terming it as a disobedience of the orders passed by the writ Court.

4. When the direction in the writ petition was given at the instance of one T.Duraipandi, the petitioner in the contempt petition, who was only a respondent therein, cannot maintain the present contempt petition, particularly when there were no specific directions given in his favour. The writ petition is not preferred by the contempt petitioner. If at all the enquiry report reveals that there are some encroachments in the subject lands and if the petitioner is aggrieved against such encroachments, it is always open to him to seek for necessary relief through appropriate proceedings in accordance with law.

5. As such, the present contempt petition cannot be maintained at the instance of the respondent in the writ petition. Accordingly, this contempt petition stands dismissed. Consequently, connected Sub-Application stands closed.

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

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Index : Yes/No

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

pm

**Order MADE IN
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