



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

AND

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Contempt Petition No.446 of 2022 & Sub Application (OS) No.275 of 2023

The Melanikuzhi Village Panchayat
represented by its President, Durai. Muthukumarasamy
Melanikuzhi Village
Jayamkondam Taluk
Ariyalur District

Petitioner

v

Mr. P. Anandan
The Tahsildar
Jayamkondam Taluk
Jayamkondam
Ariyalur District

Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondent for wilful disobedience of the order dated 17.08.2021 passed in W.P. No.17202 of 2021.

For petitioner Mr. C. Munusamy

For respondent Mr. A. Selvendran
Special Government Pleader

**ORDER**

This contempt petition has been preferred seeking to punish the respondent for the alleged non compliance of the order dated 17.08.2021 passed in W.P. No.17202 of 2021.

2 Heard Mr. C. Munusamy, learned counsel for the petitioner/Panchayat, Mr. A. Selvendran, learned Special Government Pleader appearing for the respondent/authority, Mr. K. Madhu, learned Advocate Commissioner and Mr. Ajmal Khan, learned Senior Counsel representing M/s. Ajmal Associates, learned counsel on record for the petitioners in Sub Application (OS) No.275 of 2023, who seek to implead themselves as respondents 2 to 4 in the contempt petition.

3 At the outset, the report dated 10.04.2023 filed by the learned Advocate Commissioner is taken on record.

4 The learned counsel for the petitioner/Panchayat submitted that without seeking any financial support from the Government, the Panchayat is willing to provide fencing and hand over the property to the Government.



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Mr. Ajmal Khan, learned Senior Counsel appearing for the petitioners/proposed respondents in the Sub Application submitted that the petitioners/proposed respondents are not at all encroachers and their building also has been removed and that civil suits are already pending in O.S. Nos.44 and 45 of 2021 on the file of the Principal District Court, Ariyalur and O.S. No.168 of 2021 on the file of the Sub Court, Jayankondam, seeking declaration of title and permanent injunction. He further submitted that since an order has been passed in the writ petition, the petitioners in the sub application were about to file a petition seeking clarification of the said order.

6 Be that as it may, since the encroachment in question has already been removed, the prayer sought in the sub application for impleadment survives no longer and hence, the sub application stands closed.



S. VAIDYANATHAN, J.

and

T.V. THAMILSELVI, J.

cad

7 As stated above, inasmuch as the encroachment has already been removed, which fact is also supported by the report of the learned Advocate Commissioner, and also considering the submission made by the learned counsel for the petitioner in paragraph 4, *supra*, we close this contempt petition by giving liberty to the parties, including the petitioners in the sub application, to work out their remedies in the manner known to law before the Civil Court. Till the issue is resolved, the entire area pointed out by the Advocate Commissioner can be fenced by the petitioner without seeking monetary help from the Government.

**(S.V.N., J.) (T.V.T.S., J.)
10.04.2023**

cad

Contempt Petition No.446 of 2022