



Cont.P.No.1115 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.No.1115 of 2023

in

W.P.No.27388 of 2016

V.Subramaniyan

... Petitioner / Petitioner

Vs.

B.Muruges, I.A.S.,
The District Collector,
Thiruvannamalai District,
Thiruvannamalai – 606 604.

... Respondent / 1st Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to initiate contempt proceedings against the respondent / first respondent and punish him for the willful disobedience of the order of the Hon'ble High Court in W.P.No.27388 of 2016 dated 19.09.2022.

For Petitioner : Mr.J.D.Ramachandran

For Respondent : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.S.John J.Raja Singh
Additional Government Pleader



Cont.P.No.1115 of 2023

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ORDER

For non-compliance of the order of this Court, dated 19.09.2022 passed in W.P.No.27388 of 2016, the Contempt Petition is filed.

2. The learned counsel appearing for the petitioner would submit that the land measuring an extent of 0.55 acres (0.22.5 hectares) of dryland comprised in S.F.No.129, S.F.No.1292/11 situated at Azhividathangi Village, Cheyyar Taluk, Thiruvannamalai District was owned and possessed by the petitioner. The said land was assigned to the petitioner by the Government in 1975 and patta was also mutated in the petitioner's name. While so, the third respondent therein had illegally encroached upon the said land by laying a Thar road, without giving any notice or initiating any land acquisition proceedings and further no compensation was paid to the petitioner till date. Hence, the petitioner made a detailed representation dated 23.01.2016 to the respondents to provide adequate compensation for laying illegal road in his land, but the same was ignored by the respondents and therefore, the petitioner has filed W.P.No.6144 of 2016 before this Court. This Court vide



Cont.P.No.1115 of 2023

WEB COPY

order dated 19.02.2016, directed the petitioner to give a fresh representation along with all necessary documents and also further directed the first respondent to conduct an enquiry and dispose of the same. As per the direction of this Court, the petitioner gave a fresh representation dated 25.02.2016, however the first respondent without considering his claim, had passed the impugned order dated 06.04.2016 and directed the second respondent to cancel the assignment dated 06.11.1975 and thereby rejected the claim of compensation. Aggrieved by the same, the petitioner has filed another Writ Petition in W.P.No.27388 of 2016. This Court, by order dated 19.09.2022 set aside the impugned order dated 06.04.2016 and allowed the Writ Petition with a direction to the first respondent herein to pay a fair compensation to the petitioner within a period of twelve weeks from the date of receipt of that order, but the same has not been complied with. Hence, the petitioner has filed the present Contempt Petition.

3. From the records, it appears that for non-compliance of the



Cont.P.No.1115 of 2023

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order of this Court dated 19.09.2022 passed in W.P.No.27388 of 2016, Statutory notice was issued by this Court on 02.06.2023 to the respondent. Pursuant to the statutory notice, the respondent has appeared before this Court on 30.06.2023.

4. Today when the matter was taken up for hearing, the learned Additional Advocate General appearing for the respondent would submit that the fair compensation was fixed as Rs.1,79,775/- to an extent of 0.10.0 hectares. Out of 0.22.5 hectares, they awarded compensation in respect of 0.10.0 hectares and assured that they will not interfere with the balance land which was enjoyed by the petitioner. The copy of the same has also been produced before this Court.

5. Recording the same, this Contempt Petition is closed. However, liberty is granted to the petitioner to approach the Competent Civil Court for appropriate remedy, if he is aggrieved by the award. The amount shall be disbursed to the petitioner within a period of one week from the date of



Cont.P.No.1115 of 2023

receipt of a copy of this order.

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14.07.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

The District Collector,
Thiruvannamalai District,
Thiruvannamalai – 606 604.



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Cont.P.No.1115 of 2023

M.DHANDAPANI, J.

vji

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