



Cont.Petn.No.2132 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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K.Muruganantham

... Petitioner

Vs.

1. Ravichandran, The Tahsildar,
Taluk Office, Tittagudi,
Cuddalore District 606 106.

2. Murugan, The Block Development Officer,
Navalur Panchayath,Mangalore Union,
Tittagudi Taluk, Cuddalore District 606 108.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for their wilful disobedience of the order dated 13.10.2022 passed by this Court in W.P.No.5709/2022.

For petitioner : Mr.R.Abdul Mubeen

For Respondents : Mr. A.Selvendran,
Special Government Pleader



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ORDER

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

This Contempt petition has been filed to punish the respondents for their wilful disobedience of the order dated 13.10.2022 passed by this Court in W.P.No.5709/2022.

2. A perusal of the records shows that the petitioner had filed the above writ petition, seeking direction to the authorities concerned to remove the encroachments within the boundaries of the big lake called as Thangal comprised in Survey no.54/1, situated at Navalur Village, Tittagudi Taluk. This Court, vide order dated 13.10.2022, has directed the authorities concerned to issue fresh notice to the encroachers under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2017 and if they found that even if the petitioner or his father or the sixth respondent in the writ petition have made encroachment in any part of the water body, the same should be removed in accordance with law, within three months from the date of receipt of the copy of the order.

3. The learned Special Government Pleader appearing for the respondents submitted that, the aggrieved persons have approached the civil court by filing



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O.S.No.4/2022 on the file of the Principal District Judge, Tittakudi and had obtained an order of injunction, not to evict them without due process of law, vide order dated 30.06.2023. He also placed the above said order before this Court.

4. It is the contention of the learned counsel for the petitioner that, the Civil Court has no jurisdiction to entertain a suit for removal of the encroachment under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. However, since the aggrieved persons have approached the civil Court and had obtained an order of injunction, it is for the petitioner to approach the civil court seeking appropriate remedy.

5. Inview of the submission made by the learned Special Government Pleader, this contempt petition is closed. It is for the petitioner to approach the appropriate forum seeking his remedy, if he so advised.

(D.K.K.J.)

(P.D.B.J.)

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