



Cont.P.(MD)No.72 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR**

Cont.P.(MD)No.72 of 2022

in

W.P.(MD)No.17354 of 2021

R.Ramanathan

... Petitioner/Petitioner

Vs.

1.Mr.S.Kadhar Batcha,
Panchayat President,
Semmanipatti Panchayat,
Muthusamypatti Post,
Melur Taluk,
Madurai District – 625 102.

... 1st respondent/Contemnor /
8th Respondent

2.Mr.K.Senthamarai,
Tahsildar, Melur Taluk,
Madurai District.
(R.2 – suo motu impleaded vide
order dated 13.06.2023)

... 2nd Respondent



Cont.P.(MD)No.72 of 2022

WEB COPY

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act to initiate contempt proceedings against the contemnor/respondent No.8 and punish him for the wilful disobedience of the order of this Court in W.P.(MD)No.17354 of 2021, dated 24.09.2021.

For Petitioner : Mr.C.Mayilvahan Rajendran

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

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

In the earlier order of the Co-ordinate Bench, dated 13.06.2023, a status report of the first respondent/contemnor was recorded, wherein it was stated that the construction in S.F.No.21/26 is a private Natham house site and therefore, the removal of encroachment from that survey number does not arise. It was also recorded that out of eight encroachments in S.F.No.712/4, five encroachments have already been removed. Out of remaining three, one of the encroachers has filed a writ petition in W.P.(MD)No.12622 of 2023 challenging the notice issued by



Cont.P.(MD)No.72 of 2022

the first respondent and an interim order was granted by the Co-ordinate Bench on 24.05.2023, in the remaining two portions of encroachment.

2. The learned Additional Government Pleader, on instructions, submitted that they have also issued notice under Section 7 of the Land Encroachment Act and the proceedings are pending.

3. The original order of the Co-ordinate Bench passed in W.P. (MD)No.17354 of 2021, dated 24.09.2021 was a direction to the Panchayat to take action to remove the encroachment made by the encroachers within a stipulated time. In our view, the statement of the learned Special Government Pleader relating to two portions of land in S.F.No.712/4, would amount to action taken for removal of encroachments, in view of the issuance of notice under Section 7 of the Land Encroachment Act. The portion of the land, which is the subject matter of Writ Petition in W.P.(MD)No.12622 of 2023 filed by the encroacher, would depend on the final outcome of that writ petition and therefore, the disobedience alleged in this contempt petition cannot be termed to be wilful in nature, in view of the interim order granted by the



Cont.P.(MD)No.72 of 2022

WEB COPY

Writ Court. As observed earlier, the alleged inaction for removal of encroachment in S.F.No.21/26 is concerned, it cannot be substantiated, since the said property is a private Natham house site belonging to one K.Arumugam and therefore, there is no disobedience insofar as this portion of the property is concerned.

4. In the light of the above finding, no further orders are required in this Contempt Petition. Accordingly, the Contempt Petition stands closed.

[M.S.R., J.]

[K.M.S., J.]

18.08.2023

Index :Yes/No
Internet:Yes/No
NCC : Yes/No

SSL



Cont.P.(MD)No.72 of 2022

To
WEB COPY

- 1.Mr.S.Kadhar Batcha,
Panchayat President,
Semmanipatti Panchayat,
Muthusamypatti Post,
Melur Taluk,
Madurai District – 625 102.
- 2.Mr.K.Senthamarai,
Tahsildar, Melur Taluk,
Madurai District.



WEB COPY



Cont.P.(MD)No.72 of 2022

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

SSL

Cont.P(MD).No.72 of 2022

18.08.2023