



*CONT. P(MD)No.26 of 2020*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR  
AND  
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

CONT. P(MD)No.26 of 2020

in

W.P(MD)No.10755 of 2019

K.Kandasamy Goundar (Deceased)

- 1.Palaniammal
- 2.Anandajothi
- 3.K.Sudhakar
- 4.Archana
- 5.Aruna

: Petitioners

[petitioners 1 to 5 substituted vide court order dated 30.09.2022  
in Sub.A.(MD)No.103 of 2022]

Vs.

- 1.Mrs.M.Vijayalakshmi, I.A.S.,  
The District Collector,  
Dindigul District,  
Thadikombu Road,  
Dindigul.
- 2.Mrs.Uma, I.A.S.,  
The Revenue Divisional Officer,  
Palani Sub Division,  
Palani, Dindigul District.
- 3.Mr.Palanisamy,  
The Tahsildar,  
Palani Taluk,  
Dindigul District.



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4. Mr. A. Anandan,  
The Executive Engineer,  
Public Works Department,  
Water Resources Department,  
Nanganchiyaru Water Drain Division,  
Palani.

5. Mr. Anbu,  
The District Forest Officer,  
Social Forestry Project,  
Collectorate Compound,  
Velu Nachiar Complex,  
Vedasandur Road,  
Dindigul.

: Contemnors/Respondents 2 to 6

**Prayer:**

Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondents for Contempt of Court for violation of the order of this Court dated 29.04.2019 in W.P.(MD)No. 10755 of 2019.

For Petitioners : Mr. K. Soundararajan

For Respondents : Mr. J. Ashok  
Additional Government Pleader

**ORDER**

**(order of the Court was made by S.S.Sundar, J.)**

This Contempt Petition is filed alleging wilful disobedience of the order passed by this Court dated 29.04.2019 in W.P.(MD)No.10755 of 2019.



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2. Earlier, the petitioner filed a writ petition for issuance of a Writ of Mandamus directing the respondents to remove the encroachments made in a Tank known as Karisalkulam Tank in S.No. 467 of Amarapoondi Village, Palani Taluk, Dindigul District by cancelling the pattas issued to various persons and to remove the Karuvelam Trees planted in the said Tank by the Forest Department. The further prayer was also to direct the Public Works Department to de-silt the Tank in a war footing manner. However, the writ petition was disposed of by this Court by order dated 29.04.2019 in the following lines:

*"10.In the light of the above facts, we hereby direct the District Collector, Dindigul District, the Revenue Divisional Officer, Palani, the Tahsildar, Palani, the Executive Engineer, Public Works Department, Palani and the District Forest Officer, Social Forestry Project, Dindigul/the 2<sup>nd</sup> to 6<sup>th</sup> respondents herein to take appropriate action to remove the encroachments and pass orders on merits and in accordance with law, after providing opportunity to all the necessary parties within a period of three months from the date of receipt of this order.*

*11.We further direct the first respondent to issue appropriate circular/instructions to all the District Collectors to cancel the pattas issued to the encroachers in the water bodies and remove the encroachment within a period of six months."*



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2.1. Alleging that the respondents have failed to remove the encroachment pursuant to the directions of this Court, the petitioner has filed the above contempt petition.

3. In the above contempt petition, an affidavit is filed by the contemnor/3<sup>rd</sup> respondent, namely, the Tahsildar, who is also shown as one of the respondents in the contempt petition. It is seen that the land in S.No.467 (Karisalkulam) of Amarapoondy Village originally held under the Ayakudi Zamindhars comes under Zamin Village. It appears that out of the total extent of about 206 acres, an extent of 103.76 acres was found with the actual extent of Tank covered in the submersion area even before the settlement. Since several ryots were in enjoyment of the remaining portion of the land and are doing cultivation, the respondents have taken a specific stand that about for an extent of 103.74 acres, the Settlement Officer granted ryotwari patta under the provisions of Tamil Nadu Estates Abolition and Conversion into Ryotwari) Act 26 of 1948. It is the specific case of the respondents that an extent of 103.76 acres, comprised in S.No.467/2 to 467/12 was recognised as ryotwari land and patta was granted in favour of the persons, who are in possession in recognition of their



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pre-existing rights. As against the order passed by the Madurai Settlement Officer, the then Panchayat President filed an appeal before the Settlement Officer and the same was dismissed by his proceedings, dated 23.05.1972. Thereafter, a revision petition in R.P.No.99 of 1972 was filed before the Director of Survey and Settlement, the Director of Survey and Settlement also dismissed the said revision petition filed by the then President of Amarapoondi Panchayat on 08.03.1973. The then President, aggrieved by the order of Director of Survey and Settlement, preferred a further revision before the Board of Revenue in No.B.P.RT900, which was referred to the Commissioner for Land Revenue and Settlement of Estates. The Commissioner for Land Revenue and Settlement of Estates dismissed the revision petition filed by the then President of Amarapoondi Panchayat on 14.12.1973.

4. It is also stated in the counter affidavit filed by the third respondent that the then President filed a suit against the persons in favour of whom ryotwari patta was granted in O.S.No.183 of 1973. The said suit was also dismissed by a judgment and decree dated 08.08.1973. An appeal filed by the then President in A.S.No.05 of 1982 on the file of the learned District Judge, Madurai was also



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dismissed on 30.06.1982. Thereafter, the writ petition came to be filed by another person. All these facts narrated in the affidavit would only show that substantial extent of land in the property which was originally classified as a Tank had been reclassified as ryotwari lands and ryotwari patta was granted under the Estate Abolition and Conversion into Ryotwari Act 26 of 1948. The fact that the entire village was taken over under the Tamil Nadu Act 26 of 1948 is not in issue.

5. After considering the various factual aspects, this Court is unable to find any merit in the contentions raised by the writ petitioner in the contempt petition or in the writ petition treating the entire Tank by ignoring the exclusion of substantial portion of the Tank which was not part of the Tank as per the findings of the Settlement Officer. It has been repeatedly held by this Court that the finality reached under the proceedings of Settlement Officer as to the character of land can also be subject matter of the suit. The civil Court is competent to decide the issues not only relation to the classification of the land but also with regard to the entitlement of title of any individual. The suit filed by the then President of the Panchayat has been dismissed. Therefore, the findings of the Settlement



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Authorities under the Act 26 of 1948 has become final and the civil Court also confirmed the conclusion reached by the Settlement Officer granting ryotwari patta in favour of the several individuals. In the said circumstances, this Court finds that there is no wilful disobedience of the order passed by this Court. Therefore, the Contempt Petition is closed.

6. The learned Additional Government Pleader has reported that the remaining area of the Tank which has been held by the Settlement Authority as Tank is intact and no encroachment is allowed. The said submission is recorded.

**(S.S.S.R.,J.) (D.B.C.,J)**

**16.08.2023**

NCC : Yes / No

Index:Yes/No

Index:Yes/No

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To

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Thadikombu Road,  
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