



Cont.P.(MD)No.169 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Cont.P.(MD)No.169 of 2023

K.Nagoorkani

... Petitioner

Vs.

Mr.Kannan,
The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the respondent for the deliberate and willful disobedience of the order dated 30.11.2022 passed by this Court in W.P.(MD)No.26965 of 2022.

For Petitioner : Mr.R.Udhayakumar

For Respondent : Mr.V.Nirmal Kumar,
Govt. Advocate.

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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The present Contempt Petition has been filed alleging non compliance of the order dated 30.11.2022, made in W.P.(MD)No.26965 of 2022.

2. The learned counsel appearing for the petitioner submitted that the petitioner has submitted a representation on 12.12.2022, seeking to comply with order passed by this Court made in W.P.(MD)No.26965 of 2022, dated 30.11.2022, along with a copy of the said order. However, the respondent has not taken any action against the encroachers. Hence, the petitioner has filed this Contempt Petition.

3. The learned Government Advocate appearing for the respondent, on instructions, submitted that the copy of the said order has been received on 05.01.2022 and after receipt of the said order, the respondent has served notice to the encroacher on 18.01.2023 and conducted a survey on 28.01.2023. He



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further submitted that the petitioner, without awaiting the period as stipulated by this Court, has filed this Contempt Petition.

4. We have heard the learned counsel appearing on either side and perused the materials available on record.

5. On a perusal of the records, it is seen that though the petitioner made a statement that the petitioner has sent a representation along with the copy of the order dated 30.11.2022, there is no annexure to the copy of the said order. Further, in the said Writ Petition, this Court has granted eight weeks time for removal of encroachment and the aforesaid eight weeks period is not expired. The respondent has received the copy of order on 05.01.2022 and after receipt of the said order, the respondent has served notice to the encroacher on 18.01.2023 and conducted a survey on 28.01.2023. Without ascertaining the said fact, the petitioner has filed this Contempt Petition and this Court highly deprecated the petitioner's conduct for approaching this Court.



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6. In view of the above, we are of the view that the contempt petition filed by the petitioner is a premature one and no contempt is made out for entertaining this Contempt Petition.

7. Accordingly, this Contempt petition is dismissed. We are inclined to impose heavy costs as against the petitioner. However, considering the fact and circumstances, we are not inclined to impose costs.

[D.K.K., J.] [L.V.G., J.]

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NCC : Yes / No

Index : Yes / No

vsm



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To

The Tahsildar,
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and
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