



WEB COPY



Cont.P.(MD) No.355 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

Cont.P.(MD) No.355 of 2023

in

W.P.(MD) No.27096 of 2019

K.Alagappan

... Petitioner

-vs-

- 1.Mathusuthan Reddy, I.A.S.,
District Collector
Office of the District Collector
Sivagangai
- 2.E.Vijayaraghavan
Assistant Director of Mines
Office of the District Collector
Sivagangai
- 3.Paulthurai
Revenue Divisional Officer
Devakottai Circle
Devakottai, Sivagangai District
- 4.Thangamani
Tahsildar
Karaikudi
Karaikudi, Sivagangai District
- 5.Pitchaimani
Taluk Surveyor
Office of the Tahsildar
Karaikudi, Sivagangai District



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6.Hemalatha

Block Development Officer
(Village Panchayat)
Sakkottai Panchyat Union
Sakkottai, Sivagangai District

7.Jospeh

Deputy Block Development Officer
(Village Panchayat / Special Officer)
Amaravathi Pudur Village Panchayat
Sakkottai Panchayat Union, Sivagangai District

8.Selvaraj

Superintendent of Police
Sivagangai District, Sivagangai

9.Manimozhi

Sub Inspector of Police
Somanathapuram Police Station
Somanathapuram, Sivagangai District

10.Latha Devi

Executive Engineer (Distribution)
TANGEDCO, 110, K.V.S.S.Complex
Kalanivasal, Karaikudi-630 702

11.Bhuvaneswari

Assistant Executive Engineer (Rural)
TANGEDCO, 110, K.V.S.S.Complex
Kalanivasal, Karaikudi-630 702

... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the respondents for the willful disobedience of the order passed by this Court in W.P.(MD) No.27096 of 2019, dated 18.10.2022.



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For Petitioner : Mr.P.Mahendran
For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by Mr.V.Nirmal Kumar
Government Advocate for R1 to R9

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Pursuant to our order dated 20.03.2023, the respondents 1 to 4 are present.

2. The District Collector, Sivagangai District, has filed a status report. Paragraph No.8 of the said status report states that encroachments have been removed on 06.04.2023 and the land in question has been fenced by the Government at its cost.

3. The direction issued in the writ petition reads as follows:

“4. Considering the submissions made on either side, this Writ Petition is disposed of directing the official respondents to consider the representation of the petitioner, dated 26.09.2019 and pass necessary orders on merits and in accordance with law taking note of the revenue records and the materials submitted by both the parties. If there is any encroachment, the authorities



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concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the parties shall maintain status quo as on date. No costs. Consequently, connected Miscellaneous Petitions are closed.”

4. Mr.P.Mahendran, learned counsel for the petitioner, would contend that the land in question was used as a cart track and the same has now been fenced preventing the public from using it as a cart track.

5. Mr.R.Baskaran, learned Additional Advocate General appearing for the respondents 1 to 9, has produced A-Register of the Village, which shows that the land is classified as “Government Poramboke (கைப்பற்றில்லாதது)”. The A-Register does not reflect the existence of pathway.

6. Learned counsel for the petitioner would rely upon a map issued by the Commissioner of Survey and Settlement, which shows that there is a pathway running across the land in Survey Nos.36, 38, 51, 52 and a portion of 42 also.



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7. The petitioner sought for a mandamus for removal of encroachments and the same has been done. If the petitioner is entitled to some other right, namely, right of way, it is open to him to seek appropriate remedy. It is also open to him to petition the District Collector, Sivagangai who will take a decision on merits.

8. Since we find substantial compliance of the order of this Court dated 18.10.2022, though belatedly, we do not propose to retain this contempt petition on file. The contempt petition is, therefore, dismissed. If the petitioner claims some other right, it will be open to the District Authorities to decide on the basis of the documents that are placed before them.

9. The presence of the respondents 1 to 4 is dispensed with.

[R.S.M., J.]

[L.V.G., J.]

17.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Superintendent of Police,
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9.Manimozhi,
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