



Cont.P.(MD) No.419 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2023

CORAM:

**THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN**

Cont.P.(MD) No.419 of 2023

in

W.P.(MD) No.25431 of 2022

Balamurugan

... Petitioner

-VS-

1.S.Aneesh Sekhar
District Collector
Madurai
Madurai District

2.Thirumalai Rajan
Tahsildar
Madurai North Taluk
Madurai District

3.Jeyalakshmi
Executive Officer
Paravai Town Panchayat
(Selection Grade)
Madurai District

... Respondents



Cont.P.(MD) No.419 of 2023

WEB C **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.25431 of 2022, dated 09.11.2022.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.P.Thilakkumar
Government Pleader

ORDER

[Order of the Court was made by The Hon'ble ACTING CHIEF JUSTICE]

This contempt petition has been filed alleging wilful disobedience of the order, dated 09.11.2022, made in W.P.(MD) No.25431 of 2022.

2. Pursuant to the order, dated 12.04.2023, Dr.S.Aneesh Sekhar, District Collector, R.Thirumalai, Tahsildar, Madurai North Taluk, S.Sethuraman, Assistant Director (Town Panchayats), Madurai Zone and B.Jeyalakshmi, Executive officer, Paravai Town Panchayat, are present before this Court.



WEB COPY

Cont.P.(MD) No.419 of 2023

3. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.

4. Learned Additional Advocate General appearing for the respondents submitted that since the overhead water tank with a capacity of 1 lakh liters has been built in the land in Survey No.111/1, utilizing around 1 Are, which is classified as “Government un-assessed waste”, the petitioner cannot have any grievance / objection.

5. Since the overhead water tank built in Survey No.111/1 is going to cater to the needs of all the residents in that locality, moreover, the petitioner, his family members, friends, guests etc., also would be the beneficiaries, we are of the view that such construction of overhead water tank cannot be construed as a contemptuous act. However, we wish to make it clear that if any other Government un-assessed waste land is going to be utilized by the local authority in future, necessary administrative sanction from the Inspector of Panchayats / District Collectors must be obtained for such utilization.



Cont.P.(MD) No.419 of 2023

WEB COPY

6. Insofar as the land in Survey No.69/1, which is classified as “வாய்க்கால்”, learned Additional Advocate General submitted that Form-I notices have already been issued to the encroachers as early as on 05.01.2023 calling upon them to remove the encroachments by themselves. If they failed to remove the encroachments, suitable action will be taken for removal of those encroachments.

7. At this juncture, the District Collector, who is present before this Court, submitted that there are fifteen residential houses, besides the encroachments and except those fifteen houses, the other encroachments have been removed. After finding out alternative accommodation, suitable action will be initiated expeditiously for removal of those houses.

8. Insofar as the land in Survey No.112, which is classified as “ஒடை”, learned Additional Advocate General submitted that some of the encroachments have been removed and notices have already been issued to the remaining encroachers as early as on 24.01.2023 calling upon them to remove the encroachments by themselves and if they failed to remove the encroachments, suitable action will be taken for removal of those encroachments.



Cont.P.(MD) No.419 of 2023

WEB COPY

9. Regarding Survey No.67, which is classified as “மயானம்”, learned Additional Advocate General submitted that on 28.12.2022, Form-I Notice was issued to the encroacher, who has constructed a Marriage Hall in the said survey number. However, challenging the Form-I notice, the encroacher has filed a writ petition in W.P.(MD) No.8349 of 2023 before this Court.

10. Insofar as the lands in Survey Nos.101 and 127, which are classified as “ஒடை” and “வாய்க்கால்” respectively, learned Additional Advocate General submitted that there is no encroachment in those survey numbers.

11. Recording the above submissions of the learned Additional Advocate General appearing for the respondents, this contempt petition is closed. No costs.

12. The appearance of the District Collector and other officers, as mentioned above, is dispensed with.



Cont.P.(MD) No.419 of 2023

WEB COPY

13. However, for removal of encroachments fully in Survey Nos. 69/1 and 112, this Court grants six months time from the date of receipt of a copy of this order to the respondents and after removing the encroachments, the respondents are directed to file a status report before this Court.

14. This contempt petition stands adjourned to 30.10.2023 only for filing a status report by the respondents in respect of Survey Nos.69/1 and 112, wherein as of today, the encroachments have not been removed fully and steps are being taken to remove the encroachments.

[T.R., A.C.J.] [R.S.M., J.]

25.04.2023

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

krk



Cont.P.(MD) No.419 of 2023

WEB COPY

To:

- 1.Dr.S.Aneesh Sekhar,
District Collector,
Madurai,
Madurai District.
- 2.Mr.Thirumalai Rajan,
Tahsildar,
Madurai North Taluk,
Madurai District.
- 3.Ms.Jeyalakshmi,
Executive Officer,
Paravai Town Panchayat,
(Selection Grade),
Madurai District.



WEB COPY



Cont.P.(MD) No.419 of 2023

T.RAJA, A.C.J.
and
R.SUBRAMANIAN, J.

krk

Cont.P.(MD) No.419 of 2023
in
W.P.(MD) No.25431 of 2022

25.04.2023