



Cont.P.(MD)No.561 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P.(MD)No.561 of 2020

M.Krishnan

... Petitioner

versus

1. Mr.Veeraragavarao,
The District Collector,
Ramanathapuram District.

2. Mr.R.Raja,
The Additional Director of Town Panchayat,
Sivagangai District.

3. Mr.K.Sekar,
The Executive Officer,
Sayalkudi Town Panchayat,
Sayalkudi, Kadali Taluk,
Ramanathapuram District.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Contemnors/Respondents for the wilful disobedience of the order of this Court made in W.P.(MD)No.17600 of 2015 dated 28.01.2020.



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For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.Veerakathiravan,
Additional Advocate General,
assisted by Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner, with a grievance that collection of property tax from him has been stopped by the Panchayat concerned, has filed a writ petition in W.P.(MD)No.17600 of 2015. This Court, by order dated 28.01.2020, allowed the writ petition with a direction to the respondents therein to collect tax from the petitioner and to conduct enquiry as against the Panchayat concerned. Now, the petitioner has filed this contempt petition that the order of this Court passed in W.P. (MD)No.17600 of 2015 has not been complied with so far.

2. When this contempt petition came up for hearing on 18.11.2020, this Court has passed the following order:

“3. When the matters are taken up for hearing



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today, the third respondent in Cont.P.(MD)No.561 of 2010 and the respondent in Cont.P.(MD)No.853 of 2020 have appeared through video conference on the basis of the verbal observation made by this Court on the previous hearing to the effect that in case order is not complied with or no appeal has been preferred, the contemnors cannot draw salary. The contemnors sought time to file an affidavit.”

3. Thereafter, this contempt petition was listed for hearing on 20.04.2022. On that day, a representation has been made that as against the order dated 28.01.2020 passed in W.P.(MD)No.17600 of 2015, the Government has filed a review application in S.R.No.4285 of 2020. The respondents though referred about the SR.Review Application number, they have not prosecuted the Review application.

4. When the writ petition was listed for hearing on 13.10.2023, the learned Additional Government Pleader appearing for the respondents submitted that the respondents have filed a writ appeal as



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against the order of this Court dated 28.01.2020 with a delay condonation petition in C.M.P.(MD)No.8506 of 2023 and the same is pending.

5. It appears that though the respondents have filed a writ appeal with a delay condonation petition in the year 2023, they have not prosecuted the same so far. Therefore, this Court directed the 3rd respondent to file an affidavit. Pursuant to the direction of this Court, the 3rd respondent has filed an affidavit, which reads as follows:

“6. It is respectfully submitted that after passing of the above order, the District Collector, Ramanathapuram ordered a detailed enquiry. The temple in question is located in S.No.185/4 of Sayalkudi Village which is classified as “Government Poromboke” land as per A register of the UDR settlement where location of the temple is indicated in the 'remarks column'. Total extent of the above Government land is 0.17.5 hectares. The petitioner has constructed shops adjoining to the temple abutting the highways road. One Thiru R.Muniasamy



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filed a writ petition in W.P.(MD)No.4076 of 2023 for removing the encroachment and yet another writ petition filed by the persons who are occupying the shops in W.P. (MD)No.24439 of 2023 with a prayer not to demolish the shops and this Hon'ble Court directed the District Collector to conduct enquiry and pass orders on merits. In view of the tension prevailing in the area, onslaught of COVID-19 virus and Dengu fever menace were the reasons for not complying the above order. I regret for the delay and tender my unconditional apology and pray for two weeks time to comply with the order.”

6. In view of the same, this contempt petition is closed with a direction to the respondents to assess the property tax subject to the outcome of the writ appeal, which they have preferred.

03.11.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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