



CONT P(MD)No.959 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**CONT P(MD)No.959 of 2023
in
W.P(MD)No.14181 of 2022**

C.Thirumalai Nambi

: Petitioner/Petitioner

-VS-

1.Vallinayagam
The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

2.Deiveegan
The Executive Officer,
Special Grade Town Panchayat,
Valliyoar, Tirunelveli District.

: Respondents/Contemnors

PRAYER: Petition filed under Section 11 of Contempt of Courts Act praying to punish the respondents/Contemnors for their willful disobedience of the order passed by this Court in W.P.(MD)No.14181 of 2022, dated 05.07.2022.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.D.Sachikumar
Additional Government Pleader for R1

Mr.H.Arumugam for R2



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

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The petitioner has filed this contempt petition alleging willful disobedience of the order of this Court, dated 05.07.2022, passed in W.P. (MD) No.14181 of 2022.

2. When the contempt petition was taken up for hearing, the learned Additional Government Pleader for the first respondent and the learned Standing counsel for the second respondent reported compliance of the directions of this Court, dated 05.07.2022.

3. The learned Additional Government Pleader has also received a communication from the Tahsildar concerned about the removal of encroachment in complying with the directions of this Court.

4. The learned counsel appearing for the petitioner though admitted that the encroachment to some extent was removed, it is contended by him that a survey was not properly conducted and therefore, the encroachment itself is not identified properly, even though survey was conducted. That cannot be a ground to initiate proceedings against the respondents for committing contempt of Court.



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5. Therefore, recording the statement of the learned Additional Government Pleader for the first respondent and the learned Standing Counsel for the second respondent, this Contempt Petition is closed.

[S.S.S.R., J.]

[S.S.Y., J.]

08.09.2023

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

To

Vallinayagam,
The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.



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S.S.SUNDAR, J.
and
S.SRIMATHY, J.

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