



Cont.P.(MD) No.1140 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN**

Cont.P.(MD) No.1140 of 2023

in

W.P.(MD) No.23707 of 2022

J.Matthew

... Petitioner

-VS-

- 1.M.S.Sangeetha, I.A.S.,
District Collector
District Collector's Office
Madurai District
Madurai
- 2.Simranjeet Singh Kaholan, I.A.S.,
Commissioner
Office of the Madurai District
City Administration Office
Madurai-625 002
- 3.Elumalai
Executive Engineer
Water Resources Division No.2
Periyar – Vaigai Water
Resources Division No.1
Madurai-625 002

... Respondents



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WEB C **PRAYER:** Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the contemnors for their wilful disobedience in not complying order of this Court in W.P.(MD) No.23707 of 2022, dated 17.10.2022.

For Petitioner : Mr.H.Elango

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.A.Baskaran
Additional Government Pleader for R1 & R3
Mr.A.Nagarajan for R2

ORDER

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

Heard Mr.H.Elango, learned counsel, for the petitioner, Mr.Veera Kathiravan, learned Additional Advocate General, assisted by Mr.A.Baskaran, learned Additional Government Pleader, for the respondents 1 & 3 and Mr.A.Nagarajan, learned counsel, for the second respondent.

2. The Executive Engineer / third respondent has filed an affidavit, dated 22.06.2023, stating that pursuant to the orders of this Court, action has been taken and a team consists of the Tahsildar, Madurai North



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Taluk, the Assistant Engineer, Water Resources Department and the Village Administrative Officer, went to the site on 05.10.2021 and surveyed the western portion of the water body. During inspection, 25 encroachments were identified, of which, 13 encroachers have filed writ petitions before this Court. The affidavit further states that the remaining portion of the water body would be surveyed at the earliest and after surveying the remaining portion of the water body and disposal of the writ petitions pending before this Court, the encroachments will be completely removed.

3. In the affidavit, the third respondent has also tendered unconditional apology.

4. The order of this Court of which contempt is alleged is dated 17.10.2022.

5. It is not the case of the petitioner that the third respondent has not taken any steps pursuant to the orders of this Court. The western portion of the said water body has already been surveyed. Steps have been taken as against the encroachers and 13 of them have filed writ petitions, which are pending before this Court. It is also undertaken by the third respondent, in



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his affidavit, that the remaining portion of the water body would be surveyed at the earliest. Therefore, the third respondent shall abide by his affidavit dated 22.06.2023 and conduct survey within a reasonable time.

6. After orders are passed by this Court in the pending writ petitions filed by those 13 encroachers and survey is conducted in the remaining portion of the water body, if further steps are not taken by the respondents to remove the encroachments within a reasonable time, then the petitioner may move a contempt petition afresh.

7. With the above observation, the contempt petition is disposed of.

[S.V.G., .C.J.]

[R.S.M., J.]

22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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