



Cont.P(MD)No.990 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.990 of 2021
in
W.P(MD)No.2413 of 2020

Mr.Samraj ... Petitioner/8th respondent

Vs.

1.Mr.A.Sakthi Anubama,
The Block Development Officer/Special Officer,
Kalappakulam Union (Village Panchayat),
Sankarankovil,
Sankarankovil Panchayat Union,
Sankarankovil Taluk,
Tirunelveli District.

...1st respondent/Contemnor/5th respondent

2.Suseela ... 2nd respondent/8th Respondent

(R-2 is impleaded vide order dated 25.08.2023
made in Sub.Aplc(MD)No.319 of 2021 in
Cont.P(MD)No.990 of 2021 by SSSRJ & DBCJ)

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent/contemnor for committing grave contempt and gross disobedience of the orders passed by this Court in W.P(MD)No.2413 of 2020 dated 03.02.2021.



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For Petitioner	:Mr.M.Ramu
For R-1	:Mr.P.Thilak Kumar, Government Pleader
For R-2	:Mr.Gurunathan

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Alleging willful disobedience of the order of this Court made in W.P(MD)No.2413 of 2020 dated 03.02.2021, the petitioner has filed this contempt petition.

2. The petitioner filed a writ petition earlier in W.P(MD)No.24398 of 2019, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent therein/the second respondent herein in Old Survey No.498/5, New Survey No.800/8 to an extent of 75 cents situated at Ilavankulam, Kalappakulam Panchayat, Sankarankovil Taluk, Tirunelveli District by virtue of letter in Na.Ka.No.A4/4604/2018, dated 25.09.2019 issued by the third respondent.



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3. The said writ petition was disposed of with a direction to the petitioner as well the fourth respondent therein/the second respondent herein to appear in person and produce all the documents. A further direction was also issued by this Court to remove the encroachment if any by the fourth respondent.

4. It appears that the official respondents have initiated action for removal of encroachment after finding that the second respondent herein was in encroachment of a portion of property. When final order was passed for removal of encroachment, the second respondent has filed the writ petition in W.P(MD)No.2413 of 2020 in which this Court disposed of the writ petition in the following lines:

“2.In such view of the matter, we once again treat the impugned notices as show cause notices and direct the 5th respondent to pass a speaking order, by considering the petitioner’s earlier representation dated 27.12.2019. The 5th respondent is expected to say as to why the submission made in the petitioner’s representation is not correct and the land in question is a public land. The needful will have to be done within a period of eight weeks from the date of receipt of a copy of this order. Till then, status-quo, as on date,



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shall be maintained.”

3. With the above direction, this writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.”

5. It is now reported by the learned counsel appearing for the second respondent that challenging the proceedings directing removal of encroachment, the writ petitioner in W.P(MD)No.2413 of 2020 has filed another writ petition in W.P(MD)No. 9492 of 2021 wherein on 19.05.2021 this Court has granted interim stay of all further proceedings. However, pursuant to the order passed by this Court in W.P(MD)No.2413 of 2020, the encroachment made by the second respondent was removed. Therefore, the second respondent has initiated contempt proceedings for willful disobedience of the order of interim stay granted by this Court.

6. From the subsequent events narrated by the learned counsel appearing for the second respondent, who has now been impleaded, this Court finds that order of this Court dated 03.02.2021 made in W.P(MD)No.2413 of 202 has been complied with in its letter and spirit.



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7. In view of the same, this Contempt Petition is closed.

Since the dispute between the petitioner and the second respondent has not been resolved, closure of this contempt cannot be taken as a one deciding any right or obligation of parties with reference to the subject matter of the lis.

[S.S.S.R., J.] [D.B.C., J.]
25.08.2023

Index : Yes / No

NCC : Yes/No

pm

To

The Block Development Officer/Special Officer,
Kalappakulam Union (Village Panchayat),
Sankarankovil,
Sankarankovil Panchayat Union,
Sankarankovil Taluk,
Tirunelveli District.



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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