



WEB COPY

Cont.P.(MD) No.1658 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Cont.P.(MD) No.1658 of 2023

in

W.P.(MD) No.12928 of 2017

Dr.K.Pazhani

... Petitioner

-VS-

1.K.P.Karthikeyan, I.A.S.,
District Collector
Tirunelveli District
Tirunelveli

2.K.Vallinayagam
Tahsildar
Radhapuram Taluk
Tirunelveli District

3.Mariappan
Head Surveyor
Radhapuram Taluk
Tirunelveli District



Cont.P.(MD) No.1658 of 2023

WEB COPY

4.S.Sivakumar
Assistant Executive Engineer
PWD/Nee.Aaa.Aa
Irrigation Section
Nanguneri Sub Division
Nanguneri, Tirunelveli District

5.T.Vinnarasu
Ex-Panchayat President
Achampadu Village Panchayat
South Car Street
Kizhavaneri-627 117
Via Valliyoor, Tirunelveli District

... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for the willful disobedience of the order passed by this Court in W.P.(MD) No.12928 of 2017, dated 03.08.2017.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

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

This contempt petition has been filed alleging willful disobedience of the order, dated 03.08.2017, made in W.P.(MD) No.12928 of 2017.



Cont.P.(MD) No.1658 of 2023

WEB COPY

2. The contempt petitioner is the seventh respondent in the writ petition. Relying on the observation made by this Court in Paragraph No.3 of order passed in the writ petition, learned counsel for the contempt petitioner reiterated that the contempt petitioner cannot be evicted from the subject property.

3. Learned Additional Government Pleader appearing for the respondents, on instructions, made a submission that survey was conducted, encroachments were identified and the possession of the contempt petitioner has not been disturbed.

4. It is made clear that in the order passed in the writ petition, this Court has not prevented the authorities concerned from taking action against the encroachers. As per the Orders of the Apex Court and the Judgments of the Full Bench of this Court, water bodies and water resources are to be protected and no encroachments are permissible in the water bodies and water resources. Encroachers are liable to be evicted by following due process of law under the relevant enactments. Therefore, the order passed by



Cont.P.(MD) No.1658 of 2023

WEB COPY

this Court in the writ petition would not be an impediment for the authorities concerned to remove the encroachments in the water bodies or in the Government lands in the manner known to law and by following due process of law.

5. That apart, this contempt petition has been filed after a lapse of more than five years from the date of passing of the order in the writ petition on 03.08.2017. Therefore, it is hit by Section 19 of the Contempt of Courts Act, 1971. Contempt petition filed beyond a period of reasonable time, without sufficient reasons for such delay, is not entertainable. Hence, we are not inclined to entertain this contempt petition.

6. Accordingly, the contempt petition is dismissed.

[S.M.S., J.]

[G.R.S., J.]

18.10.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



Cont.P.(MD) No.1658 of 2023

WEB COPY

To:

- 1.Mr.K.P.Karthikeyan, I.A.S.,
District Collector,
Tirunelveli District,
Tirunelveli.
- 2.Mr.K.Vallinayagam,
Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 3.Mr.Mariappan,
Head Surveyor,
Radhapuram Taluk,
Tirunelveli District.
- 4.Mr.S.Sivakumar,
Assistant Executive Engineer,
PWD/Nee.Aaa.Aa,
Irrigation Section,
Nanguneri Sub Division,
Nanguneri,
Tirunelveli District.
- 5.Mr.T.Vinnarasu,
Ex-Panchayat President,
Achampadu Village Panchayat,
South Car Street,
Kizhavaneri-627 117,
Via Valliyoor,
Tirunelveli District.



WEB COPY



Cont.P.(MD) No.1658 of 2023

S.M.SUBRAMANIAM, J.
and
G.R.SWAMINATHAN, J.

krk

Cont.P.(MD) No.1658 of 2023

18.10.2023