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W.P.(MD)NO.11689 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11689 of 2023 AND
W.M.P.(MD)No.10154 of 2023 &
CONT.P.(MD)NO.2172 of 2023

W.P.(MD)No.11689 of 2023

Seenivasan

... Petitioner

Vs.

1. The District Collector,
Collectorate Campus,
Sivagangai,
Sivagangai District.
2. The District Revenue Officer,
Collectorate Campus,
Sivagangai,
Sivagangai District.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai,
Sivagangai District.
4. The Tahsildar,
Taluk Office,
Thiruppuvanam,
Sivagangai District.
5. The Block Development Officer,
Thiruppuvanam,
Sivagangai District.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent and his men to not to remove the petitioner's cow shed put up by him at their patta land bearing new survey No.196/29(Old survey No.85/Pa) with an extent of more than 0.00.25 Ares-patta No.822, situated at Thiruppachethi North, Thiruppuvanam Taluk, Sivagangai District without following due process of law.

For Petitioner : Mr.R.Murugappan

For Respondents: Mr.M.Sidharthan,
Additional Government Pleader.

* * *

CONT.P.(MD)No.2172 of 2023

Seenivasan

... Petitioner / Petitioner

Vs.

M.Kannan,
Tahsildar,
Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

... Contemnor / Respondent

Prayer : Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for committing contempt of Court by willfully disobeying the order passed in W.M.P.(MD)No.10154 of 2023 in W.P.(MD) No.11689 of 2023 dated 11.05.2023 by this Court.



For Petitioner : Mr.R.Murugappan

For Respondents: Mr.M.Sidharthan,
Additional Government Pleader.

* * *

COMMON ORDER

W.P.(MD)No.11689 of 2023 is taken up for final disposal. The petitioner has filed this writ petition for forbearing the authorities from removing the petition-mentioned cow shed.

2. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that a portion of the cow shed which was put up in the adjacent street has also been removed. The petitioner relied on the decree dated 24.07.2009 passed in O.S.No.99 of 2007 on the file of the Principal District Munsif, Manamadurai. The firm stand of the respondents is that the petitioner's patta land has not been touched. It is further claimed that the decree has not been breached. Only the encroachment portion was removed. The stand of the respondents requires evidence. The



petitioner is having the decree in his favour.

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3. The petitioner is at liberty to move the executing Court by filing appropriate petition. Evidence can very well be let in before the executing Court. If the petitioner is able to demonstrate that the decree passed by the trial Court was breached, the executing Court can grant appropriate relief and remedy to the petitioner. Granting such liberty to the writ petitioner, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

4. In view of the order passed in W.P.(MD)No.11689 of 2023, Cont.P.(MD)No.2172 of 2023 is closed.

04.12.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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W.P.(MD)NO.11689 OF 2023

G.R.SWAMINATHAN,J.

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CONT.P.(MD)NO.2172 of 2023

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