



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2023**

CORAM:

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

**CONT.P(MD)No.1091 OF 2023
and
W.P(MD)No.3125 of 2023**

A.Gunsekaran

:Petitioner/Petitioner

.VS.

1.R.Thirumalai,
The Tahsildar,
Madurai North Taluk,
Madurai.

2.Ulaganathan,
The Block Development Officer,
Madurai West Panchayat,
Madurai District.

:Contemnors/Respondents
3 and 4

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the Contemnors/Respondents 3 and 4 for their deliberate and wilful disobedience of the order of this Court made in W.P(MD)No.3125 of 2023, dated 16.02.2023.

For Petitioner

:Mr.A.P.Jeeva

For Respondents

:Mr.S.P.Maharajan
Special Govt.Pleader



ORDER

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

This Contempt Petition is filed alleging wilful disobedience of the order passed by this Court in W.P(MD)No.3125 of 2023, dated 16.02.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner, earlier had filed a Writ Petition in W.P(MD)No. 3125 of 2023 seeking for issuance of a Writ of Mandamus directing the fourth respondent therein/The Block Development Officer, Madurai West Panchayat, Madurai District to implement the order of the third respondent, dated 25.01.2023 and to remove the encroachment on the basis of the Petitioner's representation, dated 17.12.2022.

4.It is to be noted that the Petitioner has not even impleaded the alleged encroacher. Recording the submission of the learned counsel for the Petitioner as well as the learned Special Government



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Pleader, this Court directed the fourth respondent to remove the encroachment, after affording sufficient opportunity to all the parties concerned and by following due process of law.

5.From seeing the order of this Court, this Court is convinced that a direction is given only to initiate proceedings in accordance with law, after affording sufficient opportunity to the alleged encroacher. It is stated that one Thilakar, who is the alleged encroacher, has filed a writ Petition in W.P(MD)No.15160 of 2023 to quash the proceedings initiated by the Thasildar concerned by invoking the provisions of the Tamil Nadu Land Encroachment Act.

6.The case of the writ Petitioner therein was that the land in question was classified as "Grama Natham" and that the Revenue officials have no power to treat the land as "Government Poramboke land" and to initiate action under the Tamil Nadu Land Encroachment Act.

7.This Court, after considering the fact that no show-cause notice was issued to the Petitioner therein, had disposed of the Writ Petition in terms of Section 6 and 7 of the Tamil Nadu Land



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Encroachment Act, 1905. The alleged encroacher had filed another Writ Petition before this Court in W.P(MD)No.17414 of 2023 for issuance of a Writ of Certiorarified Mandamus challenging the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, pursuant to the earlier direction in W.P(MD)No.15160 of 2023. This Court, after hearing the alleged encroacher and the official respondents, directed the Petitioner/alleged encroacher to approach the Civil Court, for appropriate relief. This Court, also observed that the order impugned in the Writ Petition shall be kept in abeyance for a period of 15 days from the date of receipt of a copy of that order. It is also admitted before this Court that a civil suit in O.S.NO.174 of 2023 is filed by the alleged encroacher.

8.It is in the said circumstance, from the facts narrated above, this Court is fully convinced that the official respondents have initiated appropriate action in the manner known to law, pursuant to the direction of this Court. Therefore, this Court is of the view that there is no wilful disobedience on the part of the respondents/Contemnors and as such, this Court finds no merit in the Contempt Petition.



9. Accordingly, the Contempt Petition stands closed. No costs.

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

[D.B.C.,J.]

30.08.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
vsn

To

1.R.Thirumalai,
The Tahsildar,
Madurai North Taluk,
Madurai.

2.Ulaganathan,
The Block Development Officer,
Madurai West Panchayat,
Madurai District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

CONT.P(MD)No.1091 OF 2023

and

W.P(MD)No.3125 of 2023

30.08.2023