



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.08.2023**

CORAM:

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

**CONT.P(MD)NO.1482 OF 2023
and
W.P(MD)No.25856 of 2022**

V.Muniasamy :Petitioner

.VS.

R.Renganathan,
Tahsildar,
Vembakottai Taluk,
Virudhunagar District. : Contemnor/Third Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the respondent herein for the act of Contempt of Court for the disobedience of the order passed by this Court in W.P(MD)No.25856 of 2022, dated 15.11.2022.

For Petitioner :Mrs.P.Jessi Jeeva Priya

For Respondent :Mr.D.Sachikumar
Addl.Govt.Pleader

**O R D E R

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

This Contemp Petition is filed alleging wilful disobedience of



the order of this Court made in W.P(MD)No.W.P(MD)No.25856 of 2022, dated 15.11.2022.

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

3.The Writ Petitioner filed W.P(MD)No.25856 of 2022 seeking for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the Government Poramboke situated in Virudhunagar District, Vembakkottai Taluk, Panaiyadipatty Village in S.No.1466/7. The said Writ Petition was disposed of on 15.11.2022, with a direction to the respondents 1 to 3 to remove the encroachment made in the Government Poramboke land situated in S.No.1466/7, Panaiyadipatty Village, Vembakottai Taluk, Virudhunagar District, after affording an opportunity of hearing to the Petitioner, the fourth respondent and any other parties concerned and by following due process of law.

4.Pursuant to the direction of this Court, it appears that the respondents 1 to 3 have initiated proceedings for removal of



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encroachment by invoking the provisions under the Tamil Nadu Land Encroachment Act, 1905. However, it is stated that on inspection, it is found that the encroachers are in the land which is classified as "Natham". It is further stated that the encroachment is made by the persons who are small farmers and poor agricultural coolies, who are not having any permanent residence of their own. It is to be noted that the Tahsildar concerned, after survey, noted that the land is classified as "Natham" and that the encroachment can also be regularized. It is in the said circumstances, this Court finds that there is no wilful or deliberate disobedience on the part of the respondents 1 to 3 in complying with the order of this Court.

5. Therefore, the Contempt Petition is closed. No costs.

[S.S.S.R.,J.] [D.B.C.,J.]
09.08.2023

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



To

R.Renganathan,
Tahsildar,
Vembakottai Taluk,
Virudhunagar District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

CONT.P(MD)NO.1482 OF 2023

and

W.P(MD)No.25856 of 2022

09.08.2023