



Cont.P(MD)No.1378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1378 of 2023

in

W.P(MD)No.26045 of 2023

S.Karthik Kumar

... Petitioner/Petitioner

Vs.

1.Mr.V.P.Jeyaseelan,
The District Collector,
Office of the District Collectorate,
Virudhunagar,
Virudhunagar District.

2.Mr.S.Stanley Babu,
The Commissioner,
Virudhunagar Municipality,
Office of Virudhunagar Municipality,
Virudhunagar,
Virudhunagar District.

3.Mr.S.Baskaran,
The Revenue Tahsildhar,
Office of the Revenue Tahsildhar,
Virudhunagar,
Virudhunagar District.

... Contemnors/respondents 1 to 3



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Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to take contempt proceedings against the contemnor for willful disobedience of the order passed by this Court in W.P(MD)No.26045 of 2022, dated 17.11.2022.

For Petitioner :Mr.S.I.Muthiah
For Respondents :Mr.P.Thilak Kumar,
Government Pleader

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.26045 of 2022, dated 17.11.2022, the petitioner has filed this contempt petition.

2. Earlier, the petitioner has filed the writ petition in W.P(MD)No. 26045 of 2022 seeking for issuance of a Writ of Mandamus, directing the second respondent to remove the encroachment made in certain lands gifted to the municipality for the purpose of laying road. The said writ petition was disposed of with the following direction:

“4. In view of the above, the authorities concerned are directed to remove the encroachments in the place in question, after giving due notice and sufficient opportunity to all the



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parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.”

3. The learned Government Pleader has now produced before this Court the proceedings of the Tahsildar, Virudhunagar, dated 23.12.2022. The Tahsildar has now come with an explanation pursuant to a survey conducted by him in the locality. Pursuant to the said survey, the Tahsildar has come to the conclusion that there is no encroachment in any of the survey fields which belonged to the local body.

4. From the communication, which is now produced before this Court, this Court finds that there is no willful disobedience of the orders passed by this Court. Therefore, leaving it open to the petitioner to approach the civil Court to establish his right as a member of public to use the land as a pathway, this Contempt Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
31.07.2023

Index : Yes / No
NCC : Yes/No

pm



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To

WEB COPY

- 1.The Director, Rural Development and
Panchayat Raj Department,
Panagal Maligai, 4th & 5th Floor,
Abdul Razzak Street, Sidapet,
Chennai, Tamil Nadu – 600 015.
- 2.The Assistant Director,
(Panchayats) Rural Development,
And Panchayat Raj Development,
Tenkasi, Tamil Nadu.
- 3.The District Collector,
Rail Nagar, Tenkasi,
Tamil Nadu – 602 001.



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

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