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Cont.P.(MD) No.1382 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2023

CORAM:

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

**Cont.P.(MD) No.1382 of 2021
in
W.P.(MD) No.6571 of 2021**

M.Veeraiya

... Petitioner

-vs-

Venkatesh
Tahsildar
Thirupathur Taluk
Sivagangai District

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the respondent for his willful disobedience of the order passed by this Court in W.P.(MD) No.6571 of 2021, dated 24.03.2021.

For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.P.Thilakkumar
Government Pleader



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ORDER

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

The petitioner has filed this contempt petition alleging willful disobedience of the order of this Court, dated 24.03.2021, passed in W.P.(MD) No.6571 of 2021.

2. The petitioner earlier filed a writ petition in W.P.(MD) No.6571 of 2021 for issuance of a writ of mandamus to direct the respondents 1 to 3 therein to take action against the encroachment made in Survey No.17/1 of Madavarayanpatti Revenue Group Village. The said writ petition was disposed of by this Court by order 24.03.2021, in the following lines:

“2.Taking note of the aforesaid communication dated 24.12.2020 in Na.Ka.No.A6/2400/2020, we direct the respondent No.3 to take appropriate action in accordance with law to remove the encroachment, if any, within eight weeks from the date of receipt of a copy of this order.”



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3. This Court finds that, in the writ petition filed by the petitioner, this Court has issued a general direction to remove encroachment, if any. After disposal of the said writ petition, it is brought to the notice of this Court that the respondent herein has initiated action by issuing notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 (hereinafter, referred to as “the Act”) and thereafter, as against the final orders passed under Section 6 of the Act, the individuals, who are aggrieved by the orders of eviction, have approached this Court. The writ petitions filed by the individuals challenging the order passed under Section 6 of the Act were disposed of with further directions and the matter is now pending before this Court in the subsequent writ petitions filed by the individuals challenging the action taken by the respondent under the Act. In the said circumstances, this Court finds that the order passed by this Court, dated 24.03.2021, in W.P. (MD) No.6571 of 2021 has been complied with by the respondent in its letter and spirit and the private parties have challenged the orders passed by the respondent. This Court by no means can refrain the private parties from agitating their case on merits independently. Insofar as this contempt petition is concerned, recording the compliance of the order passed in the writ petition by the respondent, this contempt petition is closed.



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4. At this juncture, learned counsel for the petitioner strenuously contended that encroachment is not removed.

5. By order dated 24.03.2021, this Court has never directed removal of encroachment, rather this Court has only directed the respondent to take action under the relevant provisions of law, if any encroachment is found. This Court is fully satisfied that steps have been taken by the respondent towards removal of encroachment in compliance with the directions of this Court. Since this Court has not passed any order after issuing notice to the alleged encroachers, we cannot pass adverse orders against any individuals in the contempt petition.

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

[D.B.C., J.]

18.07.2023

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

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To:
Mr.Venkatesh,
Tahsildar,
Thirupathur Taluk,
Sivagangai District.



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