



Cont.P.(MD)No.1363 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.07.2023

CORAM

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

and

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

Cont. P.(MD) No.1363 of 2023

in

W.P.(MD) No.27092 of 2022

M.Raji Banu

... Petitioner

Vs.

1.Mrs.Geetha,
The Block Development Officer,
O/o. Block Development Officer,
Thirupparankundram,
Madurai.

2.Mr.Nagarajan,
Tahsildar,
Madurai West Taluk,
Madurai.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying to punish the respondents herein for their wilful and deliberate disobedience of the order passed by this Hon'ble Court dated 01.12.2022 passed in W.P.(MD) No.27092 of 2022.

For Petitioner

: Mr.Babu Rajedran



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For Respondents

: Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

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

The Contempt Petition is filed for punishing the respondents / contemnors for the alleged wilful disobedience of the order dated 01.12.2022 passed by the Division Bench in W.P.(MD) No.27092 of 2022.

2. In the Writ Petition filed by the petitioner, he has prayed for issuance of a Writ of Mandamus, to direct the official respondents to remove the encroachment made by the sixth respondent in the public pathway situated in Survey No. 327/3, Vilacheri Village, Madurai West Taluk, Madurai. This Court passed orders in the Writ Petition on 01.12.2022 in the following lines:-

“5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 5, to consider the representation of the petitioner dated 14.05.2022, if not



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considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to all other parties concerned and also by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. ”

3. Pursuant to the direction of this Court, the respondents have initiated action by issuing notice to the 6th respondent under the Land Encroachment Act, 1905. This was challenged before this Court by the 6th respondent in the Writ Petition filed by him in W.P.(MD) No.17353 of 2023. This Court by order dated 18.07.2023, after holding that the survey to demarcate the encroachment should be conducted in the presence of the petitioner therein, quashed the proceedings initiated by the respondents and disposed of the Writ Petition with certain directions.

4. From the order of this Court dated 18.07.2023, passed in the connected Writ Petition in W.P.(MD) No.17353 of 2023, it can be noted that the respondents have passed final orders under Section 6 of the Land Encroachment Act, 1905. Since the respondents have taken action



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pursuant to the directions of this Court in the Writ Petition filed by the petitioner, this Court finds that this is not a case for contempt. Having regard to the order of this Court in the connected Writ Petition, this Court finds no disobedience much less wilful disobedience. Hence, this Contempt Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
27.07.2023

NCC : Yes / No

Index : Yes / No

sj

To

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2.Mr.Nagarajan,
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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

sj

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