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Cont.P.(MD) No.1455 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.08.2023**

**CORAM:**

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

**Cont.P.(MD) No.1455 of 2023**

**in**

**W.P.(MD) No.4652 of 2023**

S.Sasikala

... Petitioner

-VS-

1.Vishnu Chandran  
District Collector  
Ramanathapuram District

2.Ravi  
Tahsildar  
Paramakudi Taluk  
Ramanathapuram District

3.Karuppaiah  
Block Development Officer  
Paramakudi  
Ramanathapuram District



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4. Shanmugavel  
President  
Parthibanoor Village Panchayat  
Paramakudi Taluk  
Ramanathapuram District

... Respondents

**PRAYER:** Contempt Petition is filed under Section 11 of the Contempt of Courts Act praying to punish the contemnors / respondents for their willful disobedience of the order dated 03.03.2023 made in W.P.(MD) No.4652 of 2023, on the file of this Court.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.J.Ashok  
Additional Government Pleader

### **ORDER**

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

Alleging willful disobedience of the order dated, 03.03.2023, passed by this Court in W.P.(MD) No.4652 of 2023, this contempt petition is filed.



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2. The petitioner earlier filed a writ petition in W.P.(MD) No.4652 of 2023 for issuance of a writ of mandamus directing the official respondents therein to remove unauthorized construction / encroachment in Survey Nos. 500/1 and 500/4 of Mela Parthibanoor Village, Paramakudi Taluk, Ramanathapuram District. The said writ petition was disposed of by this Court by order dated 03.03.2023, in the following lines:

*“6. Recording the aforesaid submission, without expressing any opinion on the prayer sought for by the petitioner, we direct the official respondents to consider the representation of the petitioner dated 06.02.2023 on merits and in accordance with law. If there is any unauthorised construction by the private respondents as claimed by the petitioner, then the official respondents shall take appropriate action, after affording sufficient opportunity to all the parties concerned. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.”*



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**3.** Mr.J.Ashok, learned Additional Government Pleader, who takes notice for the respondents, has produced before this Court a copy of the communication, which he had received from the Tahsildar, Paramakudi, dated 01.08.2023, to show that notice has been issued to the respondents 5 to 7 in the writ petition. In the said communication, it is stated that the disputed property is classified as “Natham”. It is further stated in the said communication that a small portion of the survey number is also shown as “Pathway”. It is also stated that a suit in O.S.No.102 of 2023 has been filed by the fifth respondent in the writ petition, before the Sub Court, Paramakudi, against the petitioner herein and also the official respondents in the writ petition for permanent injunction and the same is pending disposal. The fifth respondent, in the said suit, has also filed an interlocutory application in I.A.No.3 of 2023 for interim injunction and the said interlocutory application is also pending disposal. In these circumstances, the respondents herein are unable to proceed further for removal of encroachment as alleged by the petitioner.

**4.** This Court finds that, in the writ petition filed by the petitioner, this Court has issued only a general direction to the official respondents to



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consider the petitioner's representation dated 06.02.2023, without expressing any opinion on the merits of the case or finding that the private respondents in the writ petition are in encroachment of the public land. In view of the pendency of the civil suit, it may not be proper to the respondents herein to initiate summary proceedings for deciding the substantial right of the private individuals. In such circumstances, this Court finds that the respondents herein have taken action on the petitioner's representation to the extent possible and there is no willful disobedience of the orders / directions of this Court in the writ petition on their part.

**5.** Hence, this contempt petition is closed.

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

**[D.B.C., J.]**

**02.08.2023**

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

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To:

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- 2.Mr.Ravi,  
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Paramakudi Taluk,  
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- 3.Karuppaiah,  
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- 4.Mr.Shanmugavel,  
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**S.S.SUNDAR, J.**  
**and**  
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