



Cont. P.(MD) No.1493 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM:

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

**Cont. P.(MD) No.1493 of 2023
in
W.P.(MD) No.16984 of 2017**

Hameetha Begam

... Petitioner

-VS-

1.Tmt.M.N.Poongodi, IAS,
The District Collector,
O/o. The District Collector,
Dindigul District.

2.Thiru.S.H.Sheik Muhaideen,
The Sub Collector,
O/o. The Sub Collector,
Dindigul District.

3.Mr.Danushkodi,
The Tahsildar,
O/o. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

4.Mrs.Vijaya Sundhari,
The Commissioner,
The Panchayath Union,
Nilakottai,
Dindigul District.

... Respondents

PRAYER : Petition filed under Section 11 of Contempt of Courts Act, praying to initiate contempt proceedings against the Contemnors herein for their wilful disobedience to the order passed by this Court in W.P.(MD) No. 16984 of 2017 dated 29.09.2022 and punish him accordingly.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.D.Sachikumar
Additional Government Pleader

ORDER

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

The Contempt Petition is filed complaining that the respondent / Temple has not complied with the directions issued by this Court on 29.09.2022 in W.P.(MD) No.16984 of 2017.

2. In the Writ Petition filed by the petitioner in W.P.(MD) No.16984 of 2017, though the petitioner has asked for a positive direction against the respondents 1 to 5 to remove the encroachment made by the sixth respondent, this Court considering the nature of the prayer, directed the respondents 1 to 5 to consider the representations of the petitioner dated 28.06.2017 and 30.06.2017 and pass appropriate orders on merits and in accordance with law after giving sufficient opportunity of hearing to the petitioner as well as all the parties who are concerned or interested.

3. Pursuant to the directions of this Court, by proceedings dated 12.01.2023, the Tahsildar concerned has drawn a report to the effect that there is no encroachment in the public lane. It appears that the persons, who are in possession of the patta land has been wrongly represented by the petitioner as the encroachers. The report of the Tahsildar clearly indicates



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that the property referred to by the petitioner for removal of encroachment is shown as patta land of the individuals.

4. In such circumstances, this Court is unable to find any wilful disobedience as the respondents have drawn a report and communicated that there is no encroachment by any individual as alleged. Since the direction of this Court is only to consider the representations and the representations are also considered, this Court finds no merit in the Contempt Petition. Hence, the Contempt Petition is closed.

[S.S.S.R, J.] [D.B.C., J.]
23.08.2023

Index : Yes / No
Neutral Citation : Yes / No
sj

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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

sj

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The Commissioner,
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