



WEB COPY

Cont.P.(MD) No.1618 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

CORAM:

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

Cont.P.(MD) No.1618 of 2023

in

W.P.(MD) No.17813 of 2021

S.Kalidass

... Petitioner

-VS-

- 1.Merci Ramya
District Collector
Pudukkottai
Pudukkottai District
- 2.Justin Jeyabal
Revenue Divisional Officer
Revenue Divisional Office
Aranthangi
Pudukkottai District
- 3.Martin Luthar King
Tahsildar
Avudaiayarakovil Tahsildar Office
Avudaiyarkovil
Pudukkottai District

... Respondents



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PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents for the willful disobedience of the order passed by this Court in W.P.(MD) No.17813 of 2021, dated 27.10.2022.

For Petitioner : Mr.R.Rajesh Kumar

For Respondents : Mr.P.Thilakkumar
Government Pleader

ORDER

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

This contempt petition is filed alleging willful disobedience of the order, dated 27.10.2022, made in W.P.(MD) No.17813 of 2021.

2. The petitioner earlier filed W.P.(MD) No.17813 of 2021 for issuance of a writ of mandamus directing the respondents to remove encroachments in Survey No.145/28 of Kasangudi Village, Pilluvalasai, Avudaiyarkoil Taluk, Pudukkottai District. The said writ petition was disposed of with a direction to the authority concerned to remove the encroachment in the subject land, after giving due notice to all the parties concerned and by following due process of law.



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3. This Court finds that, in the writ petition filed by the petitioner, this Court has only issued a general direction to remove encroachment in accordance with law.

4. It is now reported that the respondents have taken action to remove encroachments under the Tamil Nadu Land Encroachment Act, 1905. It is further stated that the encroachers have filed appeals as against the order of eviction and one of the encroachers *viz.*, V.Chandrasekaran filed a writ petition in W.P.(MD) No.500 of 2023 before this Court seeking a direction to the District Collector / Appellate Authority to dispose of the appeal filed by him. In the said writ petition, a direction is issued by this Court to the District Collector / Appellate Authority to dispose of the appeal filed by the petitioner therein on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of the order. A further direction is also issued to the effect that the respondents shall not take any coercive steps to evict the petitioner therein till such time the appeal is disposed of.



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5. In the said circumstances, this Court is of the view that there is no willful disobedience on the part of the respondent and in fact, they have taken action pursuant to the directions issued by this Court. Hence, this contempt petition is closed.

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

[D.B.C., J.]

05.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.Ms.Merci Ramya,
District Collector,
Pudukkottai,
Pudukkottai District.
- 2.Mr.Justin Jeyabal,
Revenue Divisional Officer,
Revenue Divisional Office,
Aranthangi,
Pudukkottai District.
- 3.Mr.Martin Luthar King,
Tahsildar,
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S.S.SUNDAR, J.
and
D.BHARATHA CHAKRAVARTHY, J.

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05.09.2023