



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.1654 OF 2023
and
W.P(MD)No.24599 of 2022**

Ganesan

:Petitioner/Petitioner

.VS.

Pandi Sangar,
The Tahsildar,
Thirichuli Taluk,
Thiruchuli,
Virudhunagar District.

:Contemnor/Second
Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the Contemnor for wilful disobedience of the order passed by this Court in W.P(MD)No.24599 of 2022, dated 28.10.2022.

For Petitioner

:Mr.T.Balaji

For Respondent

:Mr.P.Thilak Kumar
Govt.Pleader



ORDER

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This Contempt Petition is filed alleging wilful disobedience of the orders of this Court, dated 28.10.2022 passed by this Court in W.P(MD)No.24599 of 2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner filed the above Writ Petition earlier for issuance of a Writ of Mandamus directing the respondents 1 to 3 for removal of encroachment made by the fifth respondent in S.NO. 368/10,classified as "Street" at Veeracholan Village, Thiruchuli Taluk, Virudhunagar District.

4.The grievance of the Petitioner is that despite a direction being issued by this Court on 28.10.2022, the respondents 1 to 3 had not taken any steps to comply with the orders of this Court.

5.On the other hand, the learned Government Pleader appearing for the respondent/Contemnor, on instructions,



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submitted that action had been taken against the encroacher, particularly, the husband of the fifth respondent in the Writ Petition, who was in encroachment of the public property. However, it is further stated that as against the order of the authorities, the said individual by name, K.Periyasamy earlier filed W.P(MD)No.4016 of 2023 and the said Writ Petition was disposed of with a direction to the writ Petitioner therein to prefer an appeal. It is now stated that the encroacher had preferred an appeal under the provisions of the Tamil Nadu Land Encroachment Act, 1905. Stating that the respondents are awaiting orders of the appellate authority, the learned Government Pleader would say that there is no wilful default on the part of the respondents.

6.Having regard to the sequence of events as seen from the proceedings of the District Collector, dated 31.08.2023, this Court finds that there is no wilful disobedience on the part of the official respondents in complying with the orders of this Court. It is also stated before this Court that proceedings for removal of encroachment had already been initiated. Stating that the District Collector has also commenced the enquiry and that the District Collector had required certain documents for passing final orders,



the learned Government Pleader would state that the Contempt Petition can be closed, recording the compliance.

7.As pointed out earlier, this Court is of the view that the official respondents have taken action and continuing the process of eviction. It is only due to the appeal filed under Section 10 of the Tamil Nadu Land Encroachment Act,1905, before the District Collector, this Court finds that the official respondent/s did not complete the eviction proceedings. Therefore, this Court is of the view that there is no wilful disobedience on the part of the respondents in complying with the orders of this Court.

8.Accordingly, the Contempt Petition stands closed. No costs.

[S.S.S.R.,J.] [D.B.C.,J.]
05.09.2023

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

vsn



To

Pandi Sangar,
The Tahsildar,
Thirichuli Taluk,
Thiruchuli,
Virudhunagar District.



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

ORDER MADE IN

CONT.P(MD)NO.1654 OF 2023

and

W.P(MD)No.24599 of 2022

05.09.2023