



Cont.P.(MD)No.1612 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 01.09.2023

CORAM

**THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR. JUSTICE B.PUGALENDHI**

Cont.P.(MD)No.1612 of 2021

David

.. Petitioner

Vs.

1.M.M.Taj Nisha,
The Tahsildar,
Thovalai Taluk,
(Sitting at Boothapandy)
Kanyakumari District.

2.The Block Development Officer,
Boothapandi Union,
Thovalai Taluk,
Kanyakumari District.

(R2 suo-motu impleaded vide Court
order dated 01.12.2022 in
Cont.P.(MD)No.1612 of 2021)

.. Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors / respondents for their deliberate and willful disobeying the order of this Court in W.P.(MD)No. 2797 of 2019, dated 15.11.2019.



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For Petitioner : Mr.M.Sankar

For Respondents : Mr.D.Sasikumar,
Addl. Govt. Pleader for R1 & R2

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

It is brought to our notice that in continuation of our earlier order dated 23.06.2023, the learned Additional Government Pleader submitted that the encroachers in the 6 dwelling houses of the water bodies were given alternate accommodation and patta were also issued to them. However,, when eviction notices were issued, these encroachers had challenged the same before this Court in W.P.(MD)Nos.17785 to 17788 of 2023 and the co-ordinate Bench of this Court, in which one of us was a party (BPJ), had dismissed the writ petitions, by granting six months time to them from 01.08.2023, to vacate the subject properties.

2. In this background, the six months period would end on 31.01.2024. Therefore, the disobedience alleged by the petitioner, cannot be



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termed to be willful in nature in view of the orders passed by the co-ordinate Bench of this Court.

3. Hence, the Contempt Petition stands closed. However, liberty is granted to the petitioner to file a fresh contempt petition, in case, the encroachers did not vacate the property on or before 31.01.2024.

(M.S.R., J.) (B.P., J.)
01.09.2023

NCC : Yes / No
Index : Yes / No
vsm

To

1.The Tahsildar,
Thovalai Taluk,
(Sitting at Boothapandy)
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