



SUB A(MD). No.210 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Tuesday, the Twenty First day of November Two Thousand and Twenty Three

PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM
AND
The Hon'ble Mrs.Justice L. VICTORIA GOWRI

SUB A(MD). No.210 of 2023
in
CONT P(MD).NO.183 OF 2023

S. Senthil Kumar
S/o.Sathappan
167 P.Nerpugapatti
Paganeri (Post)
Karaikudi Taluk
Sivagangai District.

... Appellant/Petitioner/Petitioner

Vs

Mrs.Diravida Mani Nallathambi
The President
P.Nerpugapatti
Paganeri(Post)
Karaikudi Taluk
Sivagangai District

... Respondent/contemnor/Respondent

Prayer in SUB A(MD)No.183 of 2020 :-

This Petition is filed Under Section 151 of CPC.,To reopon the Contempt petition in Cont.P(MD).No.183/2023 dated 09.02.2023

Prayer in Contempt Petition (MD).No.183 of 2023:-

This Contempt Petition is filed Under Section 11 of Contempt of Courts Act,to punish the contemnor/ Respondent No.4 for his wilful disobedience of the order dated 08.11.2022 passed by this Honourable Court in WP(MD).No.366 of 2022.

<https://www.jhnc.tn.gov.in/judis>



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Prayer in WP(MD)No.366 of 2022 :-

WEB COPY This Writ Petition is filed Under Article 226 of the constitution of India, to issue a writ of Mandamus directing the 4th respondent to take necessary steps to remove the encroachment made by the 5th respondent to 7th respondent in S.No.541/1 of P.Nerpugapatti,.Paganeri Post, Karaikudi Taluk, Sivagangai District by considering the petitioners representation dated 04.12.2020.

ORDER:- This Sub Application Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.S.Rabeek Raja, Advocate for the Petitioner and of M/s.S.P.Maharajan, Spl Govt Pleader, for the respondent, this Court made the following order:

“This sub application is filed to reopen the contempt petition in Cont.P.(MD) No.183 of 2023 filed by the petitioner.

2. This Court, by order dated 08.11.2022 in W.P.(MD) No.366 of 2022, directed the authority concerned to remove the encroachments in the subject land in entirety. Since the said order has not been complied with, the petitioner filed Cont.P.(MD) No.183 of 2023 seeking to punish the respondent for his will disobedience of the orders passed by this Court.

3. On 09.02.2023, when the contempt petition came up for hearing, learned Government Pleader submitted that the order of this Court had been complied with and four encroachments had been removed on 16.09.2022 by following the procedures as contemplated under the Tamil Nadu Land



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Encroachment Act, 1905 and to that effect, the learned Government Pleader also produced a copy of the proceedings of the Tahsildar, Karaikudi, dated 23.09.2022, before this Court and recording the same, this Court closed the contempt petition.

4. Alleging that the encroachments have not been removed fully, the petitioner has filed this sub application seeking to reopen the contempt petition.

5. We have perused the photographs produced by the petitioner, which show that the compound wall and some of the encroachments had already been removed. One thatched house has been put up by some other person and except the same, there is no permanent compound wall constructed in the subject land. Thus, we are not inclined to interfere with the proceedings already issued directing removal of encroachments.

6. The authorities are expected to be vigilant while maintaining the public streets. At the time of putting up any permanent construction or compound wall, the authorities competent must conduct inspection and if any encroachments are identified, actions are to be initiated immediately to remove the encroachments. At the outset, the respondent shall prevent any further encroachments in that locality by following the procedures as contemplated.



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7. With the above observations, this sub application is disposed of.”

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/12/2023

Sub Assistant Registrar(CS)

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TO

1.The President,
P.Nerpugapatti ,
Paganeri(Post),
Karaikudi Taluk,
Sivagangai District.

2. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 21/11/2023

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ORDER

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IN

CONT.P(MD)NO.183 OF 2023

Giving direction and etc.
as stated within...



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AMS/08.12.2023 5P 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023_