



CONT.P.(MD)No.1967 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

CONT.P.(MD)No.1967 of 2023

Muthu Uthamundar

... Petitioner

Vs.

- 1.Ms.Kavitharamu, I.A.S.,
The District Collector,
Pudukkottai District,
Pudukkottai
- 2.Mr.H.M. Kuzhanthaisamy,
The Revenue Divisional Officer,
Iluppur Revenue Division,
Pudukkottai District.
- 3.Mr.Sakthivel,
The Tahsildar,
Kulathur Taluk, Keeranur,
Pudukkottai District.
- 4.Ms.Baby Rani,
The Block Development Officer,
Kundandarkovil Panchayat Union,
Kulathur Taluk,
Pudukkottai District.

1/6



CONT.P.(MD)No.1967 of 2023

5.Ms.Chinnapillai,
The Village Panchayat President,
Mootampatti Panchayat,
Kundandarkovil Village Panchayat Union, Kulathur Taluk,
Pudukkottai District.

6.Dhanapathy
7.Govindasamy
8.Umapathy

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Contemnors/Respondents in the Writ petition for their willful and deliberate disobedience of the order of this Court made in W.P.(MD). No.23039 of 2022 dated 30.09.2022.

For Petitioner	: Mr.A.Arul Jenifer M/s.KBS Law Office
For R1 to R3	: Mr.T.Amjadkhan Government Advocate
For R6	: Mr.D.Gurusamy

ORDER

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

This contempt petition has been filed to punish the Contemnors/Respondents in the Writ petition for their willful disobedience of the order of this Court made in W.P.(MD). No.23039 of 2022 dated 30.09.2022. The following order was passed by this Court:

2/6



CONT.P.(MD)No.1967 of 2023

5.Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 30.06.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, third respondent is directed to issue notice and conduct survey in the presence of the petitioner, respondents 6 to 8 and all other parties concerned and take necessary action for removal of the encroachment in Sambathkulam @ Samba Oorani situate in S.F.No.184/2, Mootampatti Village, Kulathur Taluk, Pudukkottai District after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.”

2.With reference to the above order, the learned Government Advocate made a submission that actions are in progress and survey has already been conducted on 17.11.2023. Pursuant to the survey conducted, further actions are initiated to identify the encroachment and to remove the same by following the procedures. The learned Government Pleader requests two weeks time to complete the same.



CONT.P.(MD)No.1967 of 2023

3.The learned counsel appearing on behalf of the sixth respondent raised an objection by stating that the subject land is the Inam land and also there is an order of the Division Bench of this Court in W.P.(MD)No.12921 of 2023 dated 05.06.2023.

4.Perusal of the above order indicates that I.T.C.M.A.No.1 of 2007 is pending on the file of the Sub Court, Pudukottai/Inaam Abolition Tribunal. This Court is of the view that pendency of the aforesaid proceedings, is not a bar to remove the encroachment.

5.At this juncture, the learned Government Pleader brought to our notice that the subject land is a revenue pond.

6.This being the factum, the respondents are directed to complete the process as per their undertaking within a period of two weeks. Recording the same this contempt petition stands closed. During the process of eviction, if any law and order issue has arisen, the police authorities have to provide sufficient protection for the purpose of carrying out removal of encroachments.



CONT.P.(MD)No.1967 of 2023

7.Copy of this order is directed to be communicated to the

Superintendent of Police, Pudukottai District.

(S.M.S., J.) & (V.L.N., J.)
06.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ta

To

1.The District Collector,
Pudukkottai District,
Pudukkottai

2.The Revenue Divisional Officer,
Iluppur Revenue Division, Pudukottai District.

3.The Tahsildar,
Kulathur Taluk, Keeranur,
Pudukkottai District.

4.The Block Development Officer,
Kundandarkovil Panchayat Union,
Kulathur Taluk, Pudukkottai District.

5.The Village Panchayat President,
Mootampatti Panchayat,
Kundandarkovil Village Panchayat Union, Kulathur Taluk,
Pudukkottai District.

Copy to

The Superintendent of Police, Pudukottai District.

5/6



WEB COPY



CONT.P.(MD)No.1967 of 2023

S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

ta

CONT.P.(MD)No.1967 of 2023

06.12.2023