



Cont.P(MD)No.1861 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Cont.Petition(MD)No.1861 of 2023

in

W.P(MD).No.2676 of 2022

Meenambigai

... Petitioner

Vs.

1.K.J.Praveen Kumar
The Commissioner
Madurai Corporation
Madurai

2.Thirumalai
The Thasildar
Madurai North Taluk
Madurai District

...Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to initiate contempt proceedings against the contemnors/respondents 1 and 2 and punish them for the wilful disobedience of the order of this Court in WP(MD).No.2676 of 2022 dated 20.01.2023.



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For Petitioner : Mr.Vetrivel
For M/s.Lajapathi Roy Associates
For R1 : Mr.S.Vinayak
For R2 : Mr.N.Satheeshkumar
Additional Government Pleader

ORDER

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

The present contempt petition has been instituted to punish the respondents for their wilful disobedience of the order of this Court dated 20.01.2023 passed in WP(MD).No.2676 of 2022. This Court has passed the following orders:

“3.Recording the aforesaid submission, the writ petition is disposed of directing the respondents 1 and 2 to consider the representation of the petitioner dated 28.01.2022 and measure the cart track in question with the help of Taluk Surveyor concerned, in the presence of all the parties concerned after serving them due notice of intimation and if there is any encroachment, the same shall be removed by the respondents 1 and 2 by following due process of law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.”

2.Pursuant to the orders of this Court, actions were initiated and the learned Additional Government Pleader appearing on behalf of the respondents contended that the survey was conducted and the encroachments are identified and it is found



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that it is a waterbody and therefore, the Public Works Department officials have to issue appropriate notice to the encroachers and to remove the encroachments by following the procedure. Since the Public Works Department is not a party to the writ proceedings, the Revenue Authorities are unable to proceed with the actions.

3.In this context, all the Revenue Authorities are bound to look into the Government Order issued in G.O(Ms).No.64, Revenue and Disaster Management Department, dated 08.02.2022 constituting the Divisional Monitoring Committee, District Monitoring Committee and the State Steering Committee. The Divisional Monitoring Committee is chaired by the Revenue Divisional Officer and the District Monitoring Committee is headed by the District Collector and the State Steering Committee is chaired by the Chief Secretary to Government of Tamil Nadu. Whenever such difficulties arise regarding the issuance of statutory notice under the relevant statute to evict the encroachers, the concerned authorities are bound to refer the case to the Committee concerned who in turn has to direct the competent authority to initiate appropriate action to evict the encroachers under the relevant statute and by following the procedure as contemplated.



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4. Therefore, the respondents herein shall submit a report to the District Level Committee headed by the District Collector for the purpose of issuing appropriate direction to the competent authorities of the Public Works Department to initiate action and remove encroachments by following the procedure as contemplated. The said exercise is to be done by the respondents in accordance with the Government Order issued in G.O(Ms).No.64 Revenue and Disaster Management Department, dated 08.02.2022 . The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. By following the procedure, the encroachers are directed to be evicted as per order of this Court dated 20.01.2023 passed in WP(MD).No.2676 of 2022.

5. With the above directions, this Contempt Petition stands closed. In the event of any non compliance, the petitioner is at liberty to file an application to restore the contempt petition. No costs.

(S.M.S., J.) & (R.V., J.)

16.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
msa



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To

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The Commissioner
Madurai Corporation
Madurai

2.Thirumalai
The Thasildar
Madurai North Taluk
Madurai District



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