



Cont.P(MD)No.1856 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.09.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1856 of 2023

in

W.P(MD)No.26505 of 2022

Andiyappan

... Petitioner/Petitioner

Vs.

Mr.Ramasamy,
The Thasildar,
Karambakudi Taluk,
Pudukkottai District.

... Contemnor /2nd Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/2nd respondent for his willful disobedience and non-compliance of the order passed by this Court in W.P(MD)No.26505 of 2022, dated 24.11.2022.

For Petitioner	:Mr.G.Karnan
For Respondent	:Mr.J.K.Jayaseelan, Government Advocate

ORDER

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

Alleging willful disobedience of the order of this Court made in W.P(MD)No.26505 of 2022, dated 24.11.2022, the petitioner has filed this contempt petition.



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2. The petitioner filed the writ petition seeking for issuance of a Writ of Mandamus to direct the official respondents to remove the encroachment made by respondents 5 to 8 therein in respect of certain survey fields. This Court disposed of the said writ petition in the following lines:

“6. 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 2nd respondent to consider the representation of the petitioner dated 12.05.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the respondents 5 to 8 and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties 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.”

3. It is stated by the learned Government Advocate that pursuant to the direction of this Court for conducting a survey in the presence of the petitioner and respondents 5 to 8 in the writ petition, the official respondents have issued notice to the petitioner as well as the respondents 5 to 8 in the writ petition. Subsequently, the sixth respondent in the writ petition namely Senthilkumar has filed a writ petition in W.P(MD)No.11772 of 2023, challenging the notice and obtained an order of status-quo. It was in the said circumstances, the learned Government Advocate submitted that



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though the order of this Court was sought to be implemented by initiating proceedings, the respondent was unable to go further.

4. In view of the above, this Court finds that there is no willful disobedience of the order passed by this Court. Hence, this Contempt Petition is closed. However, it is open to the petitioner to implead himself as a party in W.P(MD)No.11772 of 2023.

[S.S.S.R., J.] [D.B.C., J.]
27.09.2023

Index : Yes / No
NCC : Yes/No
pm

To

The Thasildar,
Karambakudi Taluk,
Pudukkottai District.



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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