



WEB COPY



Cont.P.(MD) No.1992 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHI

Cont.P.(MD) No.1992 of 2023

in

W.P.(MD) No.13815 of 2022

S.Johnpeter

... Petitioner

Vs.

Mr.M.Thennarasu,
The Tahsildar,
R.S.Managalam Taluk Office,
Ramanathapuram District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the Contemnor / 4th respondent for his wilful disobedience of the order of this Court made in W.P.(MD) No.13815 of 2022, dated 01.07.2022.

For Petitioner : Mr.P.Muthusamy

For Respondent : Mr.S.Kameswaran

Mr.K.R.Laxman for R5 in the main W.P.



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ORDER

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

The Contempt Petition has been instituted to punish the respondent for his wilful disobedience of the orders passed by this Court dated 01.07.2022, in W.P.(MD) No.13815 of 2022.

2. This Court passed an order directing the respondent Tahsildar to conduct survey and identify the encroachment. It was made clear that the survey is to be conducted in the presence of the 5th respondent in the Writ Petition, the alleged encroacher.

3. Learned Government Advocate appearing on behalf of the respondent made a submission that pursuant to the directions issued by this Court, action was initiated and the 5th respondent has filed an appeal before the District Collector under Section 10 of the Tamil Nadu Encroachment Act, 1905.

4. Learned counsel for the 5th respondent in the Writ Proceedings made a submission that no opportunity was provided in the original proceedings. However, he preferred an appeal and the District Collector is empowered to



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adjudicate all such grounds and therefore, the 5th respondent is at liberty to pursue the appeal now pending before the District Collector, Ramanathapuram District.

5. The District Collector / first respondent in the Writ Proceedings is directed to adjudicate the appeal proceedings by affording opportunity to all the parties and thereafter pass final orders and if there is any encroachment even after the disposal of the appeal proceedings, then the competent authorities shall proceed with the removal of encroachment. It is needless to state that the District Collector is expected to dispose of the appeal as expeditiously as possible.

6. With these observations, the Contempt Petition is closed.

(S.M.S., J.) & (S.S.Y., J.)
04.12.2023

NCC : Yes / No

Index : Yes / No

SJ

To
Mr.M.Thennarasu,
The Tahsildar,
R.S.Managalam Taluk Office,
Ramanathapuram District.

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S.M.SUBRAMANIAM, J.

AND

S.SRIMATHI, J.

SJ

Copy to

The District Collector,
Ramanathapuram District.

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