



Cont.P.(MD) No.2176 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Cont.P.(MD) No.2176 of 2023

in

W.P.(MD) No.2749 of 2023

Arunachalam

... Petitioner

Vs.

**Mr.Kovilpillai Pandian,
The President,
Idayankulam Panchayat,
Nanguneri Taluk,
Tirunelveli District.**

...Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, praying to punish the respondent / contemnor for his wilful disobedience of the order dated 10.02.2023 made in W.P.(MD) No.2749 of 2023.

For Petitioner : Mr.S.Prabhu

**For Respondent : Mr.S.Kameswaran,
Government Advocate**



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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 of this Court, dated 10.02.2023, in W.P.(MD) No.2749 of 2023.

2. Following orders are passed by this Court in W.P.(MD) No.2749 of 2023:-

7. Considering the submissions made by both sides, this Court directs the 5th respondent to conduct a proper survey and fix the boundary in S.No.701, situated at Idayankulam, Nanguneri Taluk, Tirunelveli District, after issuing notice to the petitioner and the parties concerned. If there is any encroachment, the 5th respondent is directed to remove the same by following the due process of law. The aforesaid exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. It is needless to say that if the petitioner is found to be an encroacher, as per the undertaking given by the learned counsel for the petitioner, he should hand over the possession of the property to the respondents, without any further notice from the respondents.”



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3. With reference to the directions issued by this Court, the learned Government Pleader on instructions made a submission that the survey has already been conducted and the authorities found that there is no encroachment as alleged by the petitioner. However, some small variations are identified, which all are to be corrected by obtaining proper reports from the Assistant Director of Survey and Land Records. Since no serious encroachments are identified and certain corrections are also sought for from the Assistant Director of Survey and Land Records, we are not inclined to hold that the respondent has committed wilful disobedience of the orders of this Court.

4. Accordingly, the Contempt Petition is closed.

(S.M.S., J.) & (L.V.G., J.)
08.12.2023

NCC : Yes / No

Index : Yes / No

SJ

To

Mr.Kovilpillai Pandian,
The President,
Idayankulam Panchayat,
Nanguneri Taluk,
Tirunelveli District.

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L.VICTORIA GOWRI, J.

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