



WEB COPY

Cont.P(MD)No.262 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.262 of 2019
in
W.P(MD)No.16831 of 2018

N.Muthuramanlingam

... Petitioner/Petitioner

Vs.

Er.Venkata Krishnan,
Executive Engineer,
Public Works Department,
Lower Resource Organisation,
Eastern Vaigai Basin,
Vaigai Colony,
Paramakudi.

... Contemnor/3rd respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor for his willful disobedience and non-compliance of this Hon'ble Court's Order dated 31.07.2018 made in W.P(MD)No.16831 of 2018.

For Petitioner : Mr.R.Suriyanarayanan

For Respondent : Mr.P.Thilak Kumar,
Government Pleader



Cont.P(MD)No.262 of 2019

WEB COPY

ORDER

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

Alleging willful disobedience of the orders of this Court made in W.P(MD)No.16831 of 2018, dated 31.07.2018, the petitioner has filed this contempt petition.

2. Earlier, the petitioner has filed a writ petition in W.P(MD)No.16831 of 2018, seeking for issuance of a Writ of Mandamus, directing the respondent to remove the encroachment made in T.S.No.2, Ward B, Block-5, Vaigai River(Kattu Paramakudi). This Court by order, dated 31.07.2018, has disposed of the said writ petition in the following lines:

“5. Without going into the merits of the case and recording the above submission of learned Additional Government Pleader, this writ petition shall stand disposed of, with a direction to third respondent to consider the representation of petitioner dated 27.06.2018 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.”



Cont.P(MD)No.262 of 2019

WEB COPY

3. From the representation made by the petitioner to various authorities including the respondent herein, it is seen that the petitioner has made allegations that several private persons have made encroachments in Vaigai River, which is classified as Government Pormboke. It is further stated that such encroachments were also confirmed by the Tahsildar, who conducted a survey. Though it is admitted now in the contempt petition that there is a move for removal of encroachment and many of the encroachers were evicted, but still, there is discrimination and it is reported that, several encroachers have not been evicted.

4. The learned Government Pleader appearing for the respondent, on instructions, stated that several encroachers have removed the encroachments and that, steps have been taken to remove the remaining encroachments. It is further stated that few individuals have also approached this Court challenging the order passed towards removal of encroachment.

5. In these circumstances, this Court is of the view that this Court cannot monitor as to how the general directions of this Court should be implemented by the respondent. It is in the said



Cont.P(MD)No.262 of 2019

WEB COPY

circumstances, this contempt petition is closed with a specific direction to the respondent to remove the encroachments as directed by this Court and pursue the action regarding removal of encroachments till its logical end. If the encroachment is found to be in a water body, the respondent may initiate action under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, in terms of the directions issued by this Court in earlier writ petitions with regard to removal of encroachment in water bodies. Such exercise shall be completed by the respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6. List this petition after three months 'for reporting compliance'.

[S.S.S.R., J.] [D.B.C., J.]
08.08.2023

Index : Yes/No
NCC : Yes/No

pm



Cont.P(MD)No.262 of 2019

WEB COPY

To

The Executive Engineer,
Public Works Department,
Lower Resource Organisation,
Eastern Vaigai Basin,
Vaigai Colony, Paramakudi.



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

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