



WEB COPY

Cont.P(MD)No.322 of 2019



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

Cont.P(MD)No.322 of 2019

Santhi Veeran

... Petitioner

vs.

Mr.Thangamani,
The Tahsildar,
Thirupathur,
Sivagangai District.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/respondent for committing contempt of Court by his wilful deliberate disobedience of the order passed by this Court dated 09.08.2018 in W.P(MD)No.14042 of 2018 and W.M.P(MD)No.12732 of 2018.

For Petitioner : Mr.R.Karunanidhi
For Respondent : Mr.P.Thilakkumar
Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Alleging non compliance of the order made in W.P(MD)No. 14042 of 2018 and W.M.P(MD)No.12732 of 2018, dated 09.08.2018, this contempt petition is filed.



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2. By order dated 22.12.2022, statutory notice was directed to be issued to the respondent. Pursuant thereto, today, the respondent is present before this Court and has filed a status report stating as follows:-

"It is respectfully submitted that infact this respondent have taken immediate steps implement the orders passed by this Hon'ble Court in W.P(MD)No.14042 of 2018 in letter and spirit. Accordingly issued appropriate notice for removal of encroachment under section 7 and 6 of Land Encroachment Act. I respectfully submitted that challenging the proceedings the said Ramasamy preferred writ petition in W.P(MD)No.23715 of 2018 and the same was disposed by this Hon'ble Court vide order dated 29.11.2018 with observation to approach District Collector till such time this respondent was restrained from taking coercive steps. As per direction appeal was preferred and on the other hand application given by the said Ramasamy seeking patta was also processed and patta was granted to him. Therefore this respondent was unable to proceed with the eviction process since patta was granted to said Ramasamy and no eviction proceedings shall be taken under Land Encroachment Act as against the patta holder. I respectfully submit that once again I tender my unconditional apology for non-implementing the orders due to the bonafide reasons stated above. I once again reiterate my unconditional apology in case if this Hon'ble Court is of the considered opinion that this respondent has committed any contempt. I respectfully submitted that this respondent reserve his right to file additional status report if and when required."



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3. Recording the aforesaid averments, this Contempt Petition is closed. If the petitioner is aggrieved by the proceedings of the District Collector, Sivagangai, in Na.Ka.E4/1013/2019, dated 02.11.2020 directing the respondent to regularise the encroachment made by the 7th respondent in the writ petition and to grant patta to him, it is open to writ petitioner to challenge the said order in the manner known to law. The appearance of the respondent is dispensed with.

[D.K.K.,J.] & [R.V.,J.]
19.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
bala

To

Mr.Thangamani,
The Tahsildar,
Thirupathur,
Sivagangai District.



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and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 19.01.2023