



Cont.P(MD)No.444 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2023

CORAM

**THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN**

Cont.P(MD)No.444 of 2019

S.Sundarapandi

.. Petitioner

Vs.

Mr.T.Sivaganam,
The District Collector,
Virudhunagar District,
Virudhunagar.

.. Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to issue notice to the respondent / contemnor and punish him under Contempt of Courts Act, 1971 for willful disobedience of the order passed by the Hon'ble High Court, Madurai Bench in W.P.No.11055 of 2017, dated 11.07.2017.

For Petitioner : Mr.PR.Boomee Rajan

For Respondents : Mr.D.Sasikumar,
Additional Govt. Pleader



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ORDER

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

In the order passed in W.P.(MD)No.11055 of 2017, dated 11.07.2017, the following directions were made:

“4.We direct the first respondent to consider and dispose of the representation submitted by the petitioner dated 02 January, 2017, on merits and as per law with notice to the eighth respondent. It should be the endeavour of the District Collector to cause survey of the property mentioned in the affidavit filed by the petitioner and to decide as to whether there was any such act of encroachment at the instance of the eighth respondent. In case it is found on enquiry that there is encroachment, necessarily, action should be taken in accordance with law against the encroachers. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.”

2. Complaining of disobedience, the present Contempt Petition has been filed. Pending the Contempt Petition, it was brought to the notice of this Bench that the encroacher viz., Arulmighu Kalasalingam and Anandammal Trust, in the water bodies (Odai, Kanmoi, etc.,) and Reserved



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Forest Area in Kunnur Bt., Srivilliputtur Forest Range, Virudhunagar District, had filed a revision before the Government and hence, the respondents had expressed their inability to proceed with the removal of encroachment.

3. The Co-ordinate Bench of this Court, through an order dated 28.02.2023, had recorded the statement and directed the Government to dispose of the revision petition filed by the encroacher on merits and in accordance with law, within a period of four weeks. Consequently, on 04.08.2023, the time for disposing of the revision petition was extended till 18.08.2023 and accordingly, the matter was listed before us today.

4. Today, the learned Additional Government Pleader produced a copy of the Government Order in G.O.Ms.No.434, Revenue and Diaster Managerment, dated 14.08.2023, whereby, the revision petition filed by the encroacher has been rejected. In view of the order of the rejection, there cannot be any impediment for the respondent to proceed with the removal of encroachment, subject to any challenge that is made by the encroacher to the



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Government Order in G.O.Ms.No.434, Revenue and Diaster Managerment,
dated 14.08.2023.

5. With the above observation, the Contempt Petition stands closed.

(M.S.R.,J.) (G.R.S.,J.)
18.08.2023

NCC : Yes / No
Index : Yes / No
vsm



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The District Collector,
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and
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