



CONT.P(MD)No.173 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

CONT.P(MD)No.173 of 2023

in

W.P(MD)No.14539 of 2022

K.Velu

... Petitioner

-VS-

1. Mrs.J.Sironmani,
The Tahsildhar,
R.S. Mangalam Taluk,
Ramanathapuram District.

2. S.Subramanian ... Respondents
(Respondent No.2 was impleaded vide order made in Sub
Application(MD)No.144 of 2023 in CONT.P(MD)No.173 of 2023 dated
08.09.2023)

PRAYER : Petition filed under Section 11 of the Contempt of
Courts Act, 1971, to punish the Contemnor/ respondent herein under
the Contempt of Courts Act for willful disobedience of the order of this
Honourable court dated 07-07-2022 passed in W.P(MD)No.
14539/2022.

For Petitioner	: Mr.S.Micheal Heldon Kumar
For R1	: Mr.J.Ashok
	Additional Government Pleader
For R2	: Mr.S.Visvalingam



CONT.P(MD)No.173 of 2023

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

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Alleging wilful disobedience of the order dated 07.07.2022 passed in WP(MD)No.14539 of 2022, this contempt petition is filed.

2. The petitioner filed the above writ petition for issuing a Writ of Mandamus, to direct the respondent No.1 to consider the objections of the petitioner while passing orders in Na.Mu.Ka.A3/4821/2020 dated 17.12.2020 made through the representation dated 20.12.2021 with regard to the encroachment of the respondent No.5 in respect of the land in Survey No.341/4 situating in Uppoor Village, R.S.Mangalam Taluk, Ramanathapuram District and to pass an appropriate order for removing the encroachment of the respondent No.5 from the above mentioned land within the time limit that may be stipulated by this High Court.

3. This Court by order dated 07.07.2022 disposed of the said writ petition with a direction to the respondent herein to complete the proceedings under the provisions of the Tamil Nadu Land Encroachment Act and pass final orders after complying with legal formalities in accordance with law, within a period of eight weeks from



CONT.P(MD)No.173 of 2023

the date of receipt of a copy of the order.

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4. It is now admitted before this Court that an order of eviction had already been passed by the Tahsildar against the respondent No.2. It is also admitted that the respondent No.2 challenged the order of eviction in a writ petition filed by him earlier and the said writ petition was dismissed with liberty preserved to him to exhaust the appeal remedy available to him. Accordingly, the respondent No.2 filed appeal before the District Collector, but the same was dismissed.

5. Learned counsel for the respondent No.2 submitted that the representation of the petitioner for getting patta is still pending before the revenue officials. Barring that, he has also filed a civil suit for declaration of title in respect of the same property which according to the respondent No.1 is encroached upon by the respondent No.2.

6. In such circumstances, leaving it open to the respondent No.2 to pursue his remedy which is available before the civil court to establish his title, this Court is not inclined to consider the claim of the respondent No.2 which is based on disputed questions of fact. If the respondent No.2 succeeds in establishing his title before the civil



CONT.P(MD)No.173 of 2023

court, it is open to him to get further directions from the civil court seeking restoration of possession in the suit which is pending. Since the respondent No.1 has initiated action and issued order of eviction, this Court finds that there is no wilful disobedience of the order of this Court.

7. Hence, this Contempt Petition is closed recording compliance.

[S.S.S.R, J.] [S.S.Y., J.]
08.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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CONT.P(MD)No.173 of 2023

S.S.SUNDAR, J.
and
S.SRIMATHY, J.

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CONT.P(MD)No.173 of 2023

08.09.2023