



WEB COPY



Cont.P.No.459 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Cont.P.No.459 of 2022

A.Suriya

.. Petitioner

vs.

K.Haridoss
Revenue Divisional Officer,
Villupuram Revenue Division,
(Vanur Revenue Taluk related)
Villupuram - 605 602.

.. Respondent

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for disobeying the order dated 31.8.2021 passed in W.P.No.18057 of 2021.

For Petitioner : Mr.A.Suriya
(Petitioner-in-person)

For Respondent : Mr.A.Edwin Prabakar
State Government Pleader
assisted by Mr.K.Suresh
Government Advocate



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: Also heard
Mr.Vaibhav R.Venkatesh
for 3rd respondent in
W.P.No.18057 of 2021

ORDER

(Order of the Court was made
by the Hon'ble Chief Justice)

The contempt petition alleges non-compliance of the order dated 31.8.2021. According to petitioner, there is willful disobedience of the order passed by this court.

2. Paragraphs 2, 3 and 4 of the said order read as under:

“2. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the first and second respondents and submits that immediately upon receiving a copy of the petition, the Revenue Divisional Officer exercising jurisdiction over the area has been requested to conduct a survey with appropriate personnel to discover whether the allegations made in the petition are substantiated.

3. Mr.Muthukumar submits that every measure would be taken to ensure that there is no encroachment of any Government land and if any encroachment is found, the encroachment will be removed as expeditiously as possible and in accordance with law.

4. Accordingly, W.P.No.18057 of 2021 is disposed of without previous notice to the third respondent, particularly since no order adverse to the interest of the third respondent has been passed herein. It is needless to say that any inquiry conducted by the concerned Revenue Divisional Officer will be upon notice to the third respondent, since



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the allegation here is of encroachment into Government land by the third respondent herein. There is no doubt that the Revenue Divisional Officer will give the third respondent a reasonable opportunity of being heard before directing appropriate steps to be taken in the matter in accordance with law."

3. Admittedly, survey was conducted; notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued to respondent No.3 in the writ petition; and an order under Section 6 of the said Act has been passed, against which respondent No.3 in the writ petition has even preferred an appeal under Section 10 of the said Act.

4. Therefore, there is nothing to say that there has been willful disobedience of the order passed by this court. Contempt petition is disposed of. There shall be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
NC : Yes/No
sasi



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

(sasi)

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