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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.1264 of 2024
in W.P.No.17257 of 2021

P.N.Kanakaraj

.. Petitioner

vs.

A.R.Sathishkumar
The Block Development Officer (north)
Block Development Office
Pollachi.

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for his willful disobedience in not complying with the order dated 18.08.2021 passed by this Court in W.P.No.17275 of 2021

For Petitioner : Mr.J.Arvind

For Respondent : Ms.S.Anitha
Special Government Pleader

ORDER

When the matter was taken up for hearing today, a compliance affidavit has been filed by the Block Development Officer and the relevant portions are extracted hereunder:

21.I respectfully submit that on enquiry, I came to know that the petitioner is a farmer and owning Agriculture land measuring about 7.89 acres and using the layout road for ingress



and egress. The promoter of the layout with the permission of the Saibaba Colony resident, formed a 23 feet pathway to the petitioner to access to his agriculture land and now he was/is able to use heavy vehicles to transport the agriculture goods. On the Western side of the layout, the writ petitioner's agriculture land alone is situated. There is no layout or dwelling houses. We were informed that there was a theft took place in the Agriculture land of the petitioner as well as in the some house of the residence of the layout. Therefore, the Saibaba colony welfare association former fencing on the Western side alone for the safety and security purposes.

3.I humbly submit that as per the order of this Hon'ble Court, we inspected the property and removed the gates and fencing and now the petitioner is able access to use the free pathway to reach his agriculture land. But as per the direction of this Hon'ble Court, the petitioner did not give any fresh representation. However, we obeyed the order of this Hon'ble Court and removed the fencing and gate to enable the petitioner to use free pathway to reach his land.

4.I humbly submit that the contents stated in para no.4 is not correct since we have already removed the encroachment. It is pertinent to point out here that no other public is using the layout roads except the petitioner. There was a dispute between the petitioner and the dwellers of the layout to Whereas, I obeyed the order and removed the encroachment and made free pathways for the petitioner and he is using the free pathway to transport his agriculture goods through all mode of vehicles. It is relevant to state here that if the layout is not formed, the petitioner would have used small pathway to his agriculture land as layout was Agriculture land belonged to the private party and there is no pathway at all. Further, on enquiry and inspection, I



came to know that the promoter of the layout only formed a Dhar Road and mud road by giving extra 3 feet passage to the petitioner. I am Law abiding citizen and I did not got adverse/remarks in my career. I further submit that I hereby once again tender my unconditional apology and humbly prays that Hon'ble Court purge me from the contempt of Proceedings.

2.The learned counsel for the petitioner confirmed the fact that the fencing and gates were removed and the petitioner has able to have access to his agricultural lands. However, there is yet another gate that has been put up by the residents of Saibaba Colony and there is also a bhoom barrier situated near the entrance. There is always a possibility of these two gates being closed and thereby prevent the access of petitioner to his agricultural lands.

3.The BDO who was present at the time of hearing stated that as on today, the gates are open and the petitioner has not been prevented from reaching his agricultural land. If in future, the gates are closed and the pathway is blocked, it can be informed to the BDO and it will be ensured that the access of the petitioner is not prevented.

4.Considering the above statement made by the BDO, it is made clear that the access of the petitioner to his agricultural lands shall not be blocked and if the existing gate is closed and the petitioner is prevented from using the pathway, BDO will act immediately and will ensure that the smooth passage to the agriculture lands



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N. ANAND VENKATESH, J.

KP

This contempt petition is disposed of accordingly.

09.07.2024

Internet:Yes
Index: Yes/No
Speaking Order/Non-Speaking Order
KP

To

1.A.R.Sathishkumar
The Block Development Officer (north)
Block Development Office
Pollachi.

2.The Public Prosecutor
High Court, Madras.

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