



Cont.P.No.850 of 2

THE HIGH COURT OF JUD ICATURE AT MADRAS

Dated : 23.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Contempt Petition No.850 of 2021

G.Ramamurthy

...Petitioner

Vs.

Lakshmi, Tahsildar,
Kundrathur Taluk,
Kancheepuram District.

...Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, seeking to punish the respondent for having wilfully disobeying the order passed in W.P.No.8742 of 2020 dated 02.07.2020.

For Petitioner : Mr.M.Deivanandam

For Respondent : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)\

Disobedience of the order dated 02.07.2020 is complained of in this Contempt Petition. The operative portion of the order reads as follows:-

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"6. In view of the submission made by the learned counsel for the petitioner and the learned Government Pleader, appearing for the respondents 1 to 3 and further taking into account the recent development, this court is constrained to pass the following order:-

(1) The petitioner is directed to make a fresh representation, setting out his grievance, to the 3rd respondent along with a copy of this order, within two weeks from the date of receipt of a copy of this order.

(2) On receipt of the said representation, third respondent is directed to consider the same, issue notice to the 4th respondent and conduct personal enquiry and thereafter pass appropriate orders, within six weeks thereafter.

(3) We make it clear that we have not expressed any opinion on the merits of the matter. It is for the 3rd respondent to decide the matter in accordance with law and pass appropriate orders."

2.Pursuant to this order, the Tahsildar, Kundrathur has issued notice to the 4th respondent / private party, over whose land, according to the petitioner, a Patta canal is running and the petitioner is entitled to irrigate his lands through the said Canal. After enquiry, the Tahsildar had filed a report on 11.09.2021 stating that the issue could be resolved by drawing pipeline from Madhagu No.9 of Manimangalam lake to the petitioner's land.

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Recording the statement, this Court had directed the Tahsildar to lay pipelines accordingly. The Tahsildar had filed a compliance report on 26.03.2022 stating that pipelines has been laid from Madhagu No.9 of Manimangalam lake to the petitioner's land.

3.The petitioner disputed that and claimed that there was no pipeline. Hence, an Advocate Commissioner was appointed by this Court by order dated 31.01.2023, requiring her to report as to whether the encroachment has been removed or not. The Commissioner has filed a report wherein, she has specifically stated that the Tahsildar has fixed the pipeline from Madhagu No.9 to take water directly to the field of the petitioner.

4.It is also seen from the Advocate Commissioner's report that the 4th respondent who owns land on the west of the petitioner's land had converted it to non-agricultural use and therefore, restoration of the Patta canal that is said to have been running in that land has been rendered an impossible. An alternative source of water have been provided for the petitioner by laying pipeline. It is also seen that the petitioner has got a well with electricity service connection in his land.



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5.From the facts stated above, it is seen that the order of this Court has been complied with in its letter and spirit. Hence, this Contempt Petition is **closed**. It is open to the petitioner to establish his right in appropriate civil court, if he feels that he has got a right.

(R.S.M., J.) (K.R., J.)
23.01.2024

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Internet:Yes

Index:No

Speaking

Nuetral Citation :No



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and
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KKN

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