



Cont.P.No.2227 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

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A.Kumudha

... Petitioner

Vs.

1.Mr.M.S.Prashanth, I.A.S.,
Collector,
Kallakurichi District,
Kallakurichi.

2.Mr.Lourdusamy,
Revenue Division Officer,
Sankarapuram,
Kallakurichi District.

3.Mr.Venkatraman,
Assistant Director (Panchayats)
Kallakurichi,
Kallakurichi District.

4.Mr.J.Selva Badhkar,
Block Development Officer,
Sankarapuram,
Kallakurichi District.

... Respondents



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Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the deliberate and willful disobedience of the order of this Court in W.P.No.12022 of 2020, dated 12.01.2024.

For Petitioner : Mr.S.B.Kayvin Prince

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This Contempt Petition is filed alleging willful disobedience of the order of this Court dated 12.01.2024 in W.P.No.12022 of 2020.

2.The contempt petitioner filed the writ petition in W.P.No.12022 of 2020 for issuance of a Writ of Mandamus directing respondents 3 to 5 therein to implement the orders of the 2nd respondent dated 10.08.2019 and 15.10.2019 pursuant to the representations of the petitioner and to remove the encroachments on the public road in S.No.47/4 at Sankarapuram, Kallakurichi Main Road, Vadachetiyenthal Village, Kallakurichi District. The writ petition was disposed of in the



following lines :

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“6.A perusal of letters dated 10.08.2018 and 15.10.2019 issued by the office of the District Collector, Villupuram to the Assistant Director (Panchayats), Kallakurichi reveal that the Assistant Director (Panchayats), Kallakurichi had been directed to take steps to remove the encroachments in Survey No. 47/4, which is a “Pattai Poramboke”, in the light of the report submitted by Tahsildar, Sankarapuram. The inspection report submitted by the Assistant Director (Panchayats), Kallakurichi, also states that there are three private encroachments in the survey number in question. As far as the shops put up by the erstwhile Panchayat President are concerned, even assuming for the sake of argument that Pattai Poramboke vests with the Panchayat and those 14 shops were put up by the erstwhile Panchayat President to augment the income of the Panchayat, in the absence of any evidence to the effect that they were constructed following due process of law, it would amount to encroachment and they have to be removed. Hence, we are of the view that all the encroachments in S.No. 47/4, including 14 shops will have to be removed within a period of 2 months from the date of receipt of a copy of this order. It is open to the Panchayat to utilize the land for public purpose, which should be in accordance with law. It is open to the authorities to take



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Police Assistance for the purpose of removing the encroachments. We make it very clear that if the above encroachments within the time stipulated supra are not removed, it is open to the petitioner to initiate contempt proceedings. We also make it very clear that in case, wilful and deliberate disobedience is found, imposition of fine will be secondary and imprisonment will be primary.

7.The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.”

3.Learned Special Government Pleader has now produced before this Court a few photographs to show that the shops and temporary sheds put up by the local body are removed. The photographs also show that there is no encroachment in the road. However, the learned counsel for the contempt petitioner produced before this Court a few photographs to show that there is a small structure using the container and another shed wherein the local body has permitted parking of vehicles.

4.Though this Court directed the local body to remove all the 14 shops put up by the Panchayat President to augment the income of Panchayat, the local body has now utilised the vacant place for the purpose



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of Library and Parking Lot. The learned Special Government Pleader ensured that the property has now been handed over by the Government to the local body and there is no obstruction caused to the public either in the cart track or in any other place which is earmarked as a communal land for the entire public.

5.In such circumstances, this Court finds that the order of this Court has been complied with in letter and spirit. Therefore, **this Contempt Petition is closed recording compliance**, with a general direction to the respondents not to permit any encroachment in the subject land, in future.

(S.S.S.R., J.) (K.R.S., J.)
06.08.2024

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To

- 1.The Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Division Officer,
Sankarapuram,
Kallakurichi District.
- 3.The Assistant Director (Panchayats)
Kallakurichi,



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Kallakurichi District.



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S.S. SUNDAR, J.
and
K. RAJASEKAR, J.

mkn

4.The Block Development Officer,
Sankarapuram,
Kallakurichi District.

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