



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

Contempt Petition No.2949 of 2023

Narayanan @ Narayanasamy

.. Petitioner

-VS-

1.Mr.Karmegam, IAS,
The District Collector,
Salem District,
Salem.

2.Mr.Raja,
The Block Development Officer/Commissioner,
Mecheri Panchayat Union,
Mecheri,
Salem District.

3.Mr.Prabhu,
The President,
Viruthasampatti Village Panchayat,
Mecheri Panchayat Union,
Mettur Taluk,
Salem District.

.. Respondents



Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondents 1 to 3 for deliberately disobeying the order dated passed by this Court in WP No.20323 of 2014 dated 28.06.2022.

For Petitioner : Mr.C.Parthiban
For Respondent-1 : Ms.C.Meera Arumugam,
Additional Government Pleader.
For Respondent-2 : Mr.G.Krishna Raja,
Additional Government Pleader.
For Respondent-3 : Mr.M.Elumalai

ORDER

The present Contempt Petition has been filed to punish the respondents for their willful disobedience of the orders dated 28.06.2022 passed in WP No.20323 of 2014, wherein in paragraphs 3 to 5, this Court passed the following orders:-

“3. Learned counsel for the petitioner submits that though the petitioner has submitted



a representation to the 1st respondent herein seeking to forbear the 3rd respondent from interfering with the petitioner-s property, no action has been taken on the same. Hence, it would suffice if this Court issues a direction to the 3rd respondent not to interfere with the petitioner's property without following due process of law.

4. Learned Additional Government Pleader appearing for the respondents submits that the petitioner-s possession of the subject property will not be disturbed without following due process of law.

5. Recording the above submission made by the learned Additional Government Pleader appearing for the respondents, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

2. With reference to the order passed by this Court, the third respondent filed counter, wherein in paragraphs 4 and 5, it has been stated as follows:-

“4. I respectfully submit that there was a cart tract (pathway) which exists more than



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several decades and passes through various survey numbers. The same was using by the villages, which called as “Palankottai Therkathikadu (Then Nagar). In the said hamlet, more than 100 people are living without any proper road and basic amenities and therefore they made a request to lay proper road for their usage as well public purpose. There was dispute with regard to usage of pathway by villagers and therefore he approached the learned District Munsif, Mettur in OS No.100 of 2009, permanent injunction forbearing the defendants therein from interfering into the possession of the suit properties listed as item 1 and item 2 owned by the plaintiffs. In the said suit, lands located in S.Nos.172/09 and 173/2 in Virudhasampatty Panchayat, Mecheri Block, Salem District were shown as item 1 – suit property and the pathway from Palankottai Moolakadai to Thennagar of Virudhasampatty Panchayat laid by the official respondents running through S.Nos.172/09, 174/08 and 173/1A of the said Panchayat were shown as item 2 – suit property and the said suit was dismissed by the Civil Court vide judgment dated 097.04.2014. Subsequent to the same, request of villagers was



considered by the respondents and laid BT Road in the month of July, 2014 and the same is using by villagers/public including the petitioner.

5. I respectfully submit that now the said road has been classified as Pathai Poramboke under records of the respondents. But the same was opposed by the petitioner with some personal dispute among the villagers and with some malafide intention. However, petitioner preferred an appeal in A.S.No.24 of 2014 before the Hon'ble Subordinate Court, Mettur and the Hon'ble Subordinate Judge, Mettur partly modified the judgment and decree made on 07.04.2014 in O.S.No.100 of 2019 on 21.09.2021. Therefore, the Hon'ble Courts held that the pathway exists and the same is using by the villagers and the petitioner has no rights to oppose the same.”

3. Since the civil litigation between the parties are pending, the contempt petitioner has to establish his title before the Competent Civil Court of Law for the purpose of redressal of his grievances. Thus, this Court do not find any willfull disobedience of the orders passed by this Court in



WP No.20323 of 2014 dated 28.06.2022. Consequently, the present

Contempt Petition stands dismissed. However, there shall be no order as to costs.

05-02-2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

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S.M.SUBRAMANIAM, J.

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