



CONT.P(MD)No.344 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

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Sri Meenakshi Sundareswarar Nagara

Sivan Kovil, A.Thekkur,

Rep by its Trstee, Thanikatchalam,

S/o.AL.Arunachalam, A.Thekkur-60201,

Sivagangai District.

...Petitioner

/Vs./

1.Tmt.Asha Ajith I.A.S.,

The District Collector,

Sivagangai.

2.Thiru Mohana Chandran,

The District Revenue Officer,

Sivagangai.

3.Thiru.Anand,

The Thasildar,

Tirupathur, Sivagangai District.

...Contemnors

PRAYER:- Contempt Petition- filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/respondent for their willful disobedience of the order of this Court in W.P.(MD)No.26690 of 2022 dated 05.12.2022.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.P.Maharajan

Special Government Pleader



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ORDER

(Order of the Court was made by **D.KRISHNAKUMAR, J.**)

The petitioner has approached this Court alleging disobedience of the order of this Court dated 05.12.2022 made in W.P.(MD)No. 26690 of 2022.

2.The writ petition filed by the writ petitioner seeking removal of encroachment in S.Nos.212/16, 218 at A.Thekkur Village, Tirupattur Taluk, Sivagangai District came to disposed with a direction to the respondents to remove the encroachment within the stipulated time. However, the same was not complied with. Hence, this contempt petition.

3.The learned Special Government Pleader appearing for the respondents produced the written instructions submitted by the Tahsildar dated 29.02.2024. Perusal of the same reveals that as against the order of this Court dated 05.12.2022, the encroachers have filed an appeal before the Hon'ble Supreme Court in SLP(Civil) Diary No.2350 of 2023 and the same was dismissed with a direction to the officials to take action against the encroachers. Notices under Sections 6 and 7 of the Land Encroachment Act were issued to the encroachers. The said notices were



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put to challenge by the encroachers in W.P.(MD)No.8458 to 8470 of 2023, which came to be allowed on 13.04.2023 directing the official respondents to follow due process of law. Based on the same, explanations were sought from the encroachers and the explanations were submitted on 30.05.2023. Thereafter, final orders have been passed under Section 6 of the Land Encroachment Act on 13.10.2023. It is further stated that some of the encroachers have filed O.S.No.328 of 2023 seeking patta for the lands, which are in possession and enjoyment by them.

4.The actions taken by the official respondents are challenged by the encroachers in one way or the other. In such circumstances, the question of contempt of Court will not arise at all. Hence, this Court is not inclined to entertain this contempt petition. Accordingly, this contempt petition is dismissed.

[D.K.K.J.] & [R.V.J.]
01.03.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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D.KRISHNAKUMAR, J.
AND
R.VIJAYAKUMAR, J.

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To

- 1.The District Collector,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai.
- 3.The Thasildar,
Tirupathur, Sivagangai District.

Order made in
CONT.P.(MD)No.344 of 2024

Dated:
01.03.2024