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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Monday, the Twenty Ninth day of July Two Thousand and Twenty Four

PRESENT

Mr.Justice N.SESHASAYEE

AND

Mrs.Justice L. VICTORIA GOWRI

SUB A(MD). Nos.162 and 191 of 2024

in

CONT.P No.(MD) No.162 of 2024

SUB A(MD). No.162 of 2024

A.Habib Rehman

... Petitioner/Petitioner

Vs

1 Mr. S. Visakan I.A.S.,
The District Collector ,
Dindigul District
Dindigul.

2 Mr. D.Narayanan
The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

3 Mr. A.Muthuraman
The Tahsildar
Kodaikanal Town
Kodaikanal, Dindigul District.



Prayer in SUB A(MD). No.162 of 2024

Sub Application filed under section 151 of CPC to re-open the Contempt Petition (MD). No. 1175 of 2023 dated 27.06.2023 and punish the contemnors/respondents for the deliberate and willful disobedience of the order dated 20.10.2022 made in W.P.(MD). No. 13864 of 2020 and pass such further or other order as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

SUB A(MD). No.191 of 2024

A.Habib Rehman

... Petitioner/Petitioner

- Vs. -

1 Mr. S. Visakan I.A.S.,
The District Collector ,
Dindigul District
Dindigul.

2 Mr. D.Narayanan
The Commissioner,
Kodaikanal Municipality,
Kodaikanal, Dindigul District.

3 Mr. M.Karthikeyan
A.Muthuraman
The Tahsildar
Kodaikanal Town
Kodaikanal, Dindigul District.

4. Mr.M.N.Poongodi,
The District Collector,
Dindigul District, Dindigul.

5. Mr.P.Sathiyathan,
The Commissioner,
Kodaikanal Municipality,
Kodaikanal.
Dindigul District



6. Mr. M.Karthikeyan,
Tahsildar,
Kodaikanal Town,
Kodaikanal,
Dindigul District.

... Respondents 4-6/Proposed Respondents
1-3/Substituted Contemnors

Prayer in SUB A(MD). 191/ 2024 :

To Substitute the Respondents No.4 to 6 herein in the place of the Respondents 1 to 3 in the above said Sub.A.(MD).No.162 of 2024 in Contempt Petition(MD). No.1175 of 2023 on the file of this Hon`ble court and thus render justice.

Prayer in CONT P(MD). 1175/ 2023 :

Contempt Petition filed under Section 11 Contempt of Court Act, to the contemnors/respondents for the deliberate and willful disobedience of the order dated 20-10-2022 passed by this Honourable Court in WP(MD).No. 13864 of 2020 and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 13864/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ in the nature of a Writ of Mandamus directing the respondents to remove the encroachments made in T.S.No.3A2 and 3A1A, Block 20, Ward D, Srinivasapuram, Kodaikanal Adjoining the petitioners property by considering the petitioners representation dt 29.01.2020.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of



Mr.A.Baskaran, Additional Government Pleader for the Respondents, this Court made the following order:

Sub Application (MD)No.162 of 2024 is filed to re-open the Contempt Petition, which was closed on 27.06.2023. Sub Application (MD) No.191 of 2024 is filed to substitute the respondents 4 to 6 in the place of the respondents 1 to 3 in Sub Application (MD) No. 162 of 2024.

2. Today, the learned Additional Government Pleader circulates a communication dated 22.05.2024 to the effect that the alleged encroacher had preferred a revision to the Government and papers are pending with them.

3. In view of this development, this Court chooses to close the Sub Applications.

4. However, this Court directs the authority concerned to dispose of the revision within a period of six weeks from the date on which this order is uploaded in the official web-site. The Contempt petitioner is entitled to participate in the said revision proceedings and subject to the outcome of the revision, the contempt petitioner is entitled to revive these petitions.



5. Accordingly, the Sub Applications are closed.

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Sd/-

Assistant Registrar (CS-II)

/08/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

TO

1. The District Collector
Dindigul District
Dindigul.
2. The Commissioner ,
Kodaikanal Municipality
Kodaikanal
Dindigul District.
3. The Tahsildar ,
Kodaikanal Town
Kodaikanal
Dindigul District.

+ 1 cc to M/.Ajmal Associates, CA Sr.No.38546/2024

+1cc to the Additional Government Pleader CA Sr.No.39357/2024



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ORDER DATED : 29/07/2024

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ORDER

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SUB A(MD). No.162 & 191 of 2024
in
Cont P(MD) No.1175 of 2023

RE (23.08.2024) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.