



Cont.P.(MD) No.1997 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P.(MD) No.1997 of 2024  
and  
W.P.(MD)No.5055 of 2024**

M.Lakshmi

... Petitioner

-VS-

Senthamarai,  
The Tahsildar,  
Taluka Office,  
Melur,  
Melur Taluk,  
Madurai District.

... Contemnor/Respondent

PRAYER: Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnor/respondent, for her wilful disobedience in non compliance of the order of this Court in W.P.(MD)No.5055 of 2024 dated 04.03.2024.

For Petitioner  
For Respondent

: Mr.S.Atham Ali  
: Mr.S.P.Maharajan  
Special Government Pleader

**ORDER**

**[Order of the Court was made by R.SUBRAMANIAN, J.]**

Mr.S.P.Maharajan, learned Special Government Pleader takes notice



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for the respondent.

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2.The petitioner complains of contempt of the order dated 04.03.2024.

The operative portion of the order dated 04.03.2024, reads as follows:-

*“4. According to the petitioner, on 21.11.2023, she has made a representation to the respondents Authorities seeking for removal of encroachment made by the sixth respondent in the petition mentioned place, which is used as a pathway by the general public. Subsequently, a notice under Section 7 of the Act has been issued and thereafter, no action has been taken by the authorities. Hence, the petitioner has filed this writ petition with the aforesaid prayer.*

*5. In view of the above, without going into the merits of the case, we direct the third respondent, to consider the petitioner's representation, dated 24.08.2023 and to take necessary action for the removal of encroachment in the place in question, after providing opportunity to the petitioner as well as the alleged encroacher in the said property. Such exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.”*

3.Today when the Contempt Petition was taken up for hearing, the learned Special Government Pleader has produced the original Natham Adangal, of Keelavalavu, Melur Taluk.

4.A perusal of Survey No.365/45 is shown as நத்தம் காலியிடம். The



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said classification was made on 04.04.2008.

5.In view of the same, the natham land being an occupied natham, the Government cannot take steps to evict the encroachers as the same is not vest with the Government as per the terms of Section 2 of the Tamil Nadu Land Encroachment Act, 1905. Hence, we see no reason for proceeding in Contempt.

7.The Contempt Petition is therefore, dismissed. If the petitioner claims any right or way over the land in question, it is open to the petitioner to establish such right by approaching the competent civil Court. No costs.

**[R.S.M., J.]**

**[L.V.G., J.]**

**13.09.2024**

NCC : Yes/No  
Index : Yes/No  
Internet : Yes  
Mrn

To

The Tahsildar,  
Taluka Office,  
Melur,  
Melur Taluk,  
Madurai District.

**R.SUBRAMANIAN, J.**



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**and**  
**L.VICTORIA GOWRI, J.**

Mrn

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