



Cont.P.(MD) No.2389 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE L.VICTORIA GOWRI

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G.Palaniammal

... Petitioner/
Writ Petitioner

Vs.

Ashok Kumar,
Assistant Engineer (C & M Highways),
Highways Department,
West Division, Trichy-20.

... Contemnor/
3rd Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnor/3rd respondent herein for his deliberate and willful disobedience of the order passed in W.P.(MD) No.12162 of 2023, dated 17.05.2023.



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For Petitioner : Mr.M.Jegadeesha Pandian
For Respondent : Mr.A.Baskaran
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This contempt petition is directed to initiate an action for contempt of Court for alleged violation of an order passed by this Court in W.P.(MD) No.12162 of 2023, dated 17.05.2023.

2. The challenge in the writ petition was to a notice issued under Section 6 of the Land Encroachment Act. According to the petitioner herein, she was a pattadhar and recording the same, this Court has directed the authorities to remove encroachment only with regard to properties, which are in excess of the patta.



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3. As there is alleged breach of the order of this Court in W.P.(MD) No.12162 of 2023, this petition is filed.

4. In the course of the proceedings, this Court required the contempt-petitioner to file the original patta before this Court. And the same was produced and has been since left in the custody of the Registrar (Judicial) of this Court. This Court has also permitted Mr.V.Yogarajan, Zonal Deputy Tahsildar, Tiruchirappalli West Taluk, Tiruchirappalli, to examine the said patta. After verifying the said patta before the Registrar, the Tahsildar has given his report dated 11.07.2024 that the patta produced by the contempt-petitioner is not genuine. This report is now recorded. In view of the same, this Court does not propose to go ahead in this matter and closes this petition.

5. Accordingly, this Contempt Petition is closed. It is however, made clear that it is open to the contempt petitioner to seek legal redressal to vindicate her position *vis-a-vis* the present report of the Tashildar holding that the patta in favour of the contempt petitioner is not genuine, if she is so desirous.



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6. The Registrar (Judicial), Madurai Bench of Madras High Court, Madurai, is now required to return the patta back to the contempt-petitioner, after obtaining due acknowledgment for the receipt of the same. No costs.

(N.S.S., J.) (L.V.G., J.)
19.07.2024

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

ABR

To

1.Mr.Ashok Kumar,
Assistant Engineer (C & M Highways),
Highways Department,
West Division, Trichy-20.

2.The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



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N. SESHASAYEE, J.
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