



WEB COPY



Cont.P.No.394 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.07.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cont.P.No.394 of 2025

V.K.Kumaresan

.. Petitioner

Vs.

1. Mr.Ramamoorthy,
The Special District Revenue Officer
(Land Acquisition),
Chennai Kanniyakumari Industrial Corridor Project,
Kancheepuram-631 501.

2. Mrs.Sathya,
The Tahsildhar,
Kancheepuram Taluk,
Kancheepuram-631 502.

3. Mrs.Hemalatha,
The Executive Engineer,
Highways Department,
Chennai Kanniyakumari Industrial Corridor Project,
Kancheepuram-631 501.

.. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willful disobedience of order dated 30.01.2024 passed in W.P.No.1774 of 2024.

Page No.1/7



WEB COPY



Cont.P.No.394 of 2025

For petitioner : Ms.V.Manoharan

For respondents: Mr.A.Selvendran, Spl.G.P.

M/s.Yash Rathi.R., Advocate Commissioner

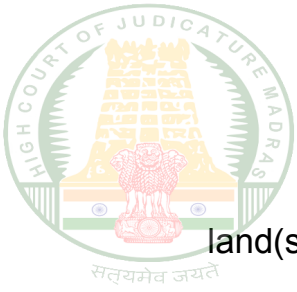
ORDER

This Contempt Petition is filed to punish the respondents for willful disobedience of the order dated 30.01.2024 passed in W.P.No.1774 of 2024.

2. Learned counsel for the petitioner submitted that, without demarcating the land(s), the authorities have destroyed the land(s) belonging to the petitioner. It is the excess land(s), apart from the acquired land(s). Therefore, according to the petitioner, the respondents have committed 'contempt'.

3. This Court appointed an Advocate Commissioner, who has visited the property in question. But the Advocate Commissioner's report is not clear as to the extent of the land(s) given to the petitioner. The excess

Page No.2/7



Cont.P.No.394 of 2025

land(s) was stated to have been taken from the petitioner's land(s).

Paragraph 4 of the report of the Advocate Commissioner shows that only private parties have encroached the land(s) of the petitioner in two sides.

4. The learned Special Government Pleader appearing for the respondents submitted that the authorities have not taken any excess land(s) and the excess land(s) was encroached by the private parties and not the Government and the Government have acquired and demarcated only the acquired land(s) and not the excess land(s). Therefore, the respondents have not committed any contempt.

5. Heard both sides and perused the materials available on record.

6. This Court, while disposing of in W.P.No.1774 of 2024 on 30.01.2024, had directed the respondents to demarcate the acquired land(s) with a qualified Surveyor and the petitioner was directed to co-operate for the same and this Court had forbore the respondents from taking excess area beyond the acquired land(s).

7. When the petitioner has filed the writ petition in W.P.No.1774 of

Page No.3/7



Cont.P.No.394 of 2025

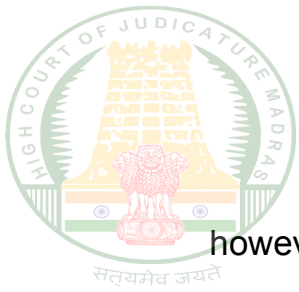
WEB COPY

2024 praying for issuance of a Writ of Mandamus to forbear the respondents not to take any excess area beyond the acquisition proceedings which were initiated by the first respondent in respect of the petitioner's land, i.e. 44 Sq.Mtr. (473.6 Sq.Ft) out of 2241 square feet in S.No.46/2A6B (New Survey No.46/9) at Orikkai Village, Kancheepuram Taluk, Kancheepuram District, this Court directed the respondents to demarcate the acquired land(s) with a qualified Surveyor and the petitioner was directed to co-operate for the same and this Court had forborne the respondents from taking excess area beyond the acquired land(s).

8. Thus, when the petitioner has filed Writ Petition for only not to take the excess land, it is the measurement of the land(s) that is involved in this case and according to the petitioner, the respondents-authorities have taken the excess land(s) from more than what is acquired land(s) and therefore, the respondents have committed 'contempt'.

9. The learned Advocate Commissioner's report shows that the private parties have encroached on the land(s) in question. Since there is no specific extent regarding the encroachment and the respondents have taken the excess land(s), there is no wilful committing 'contempt'. But

Page No.4/7



Cont.P.No.394 of 2025

however, the petitioner is at liberty to work out the remedy in the manner known to law before the competent Civil Court and on the Contempt proceedings, this Court will not go into the process of re-trial or re-enquiry.

10. The scope of the 'contempt' is as to whether the respondents have wilfully disobeyed or violated the order of this Court and the land(s) totally depends upon the measurements and encroachments, this Court finds that there is no wilful disobedience of the order under contempt, and therefore, this Contempt Petition is closed.

11. However, as the dispute involved in this case is regarding the measurement of the land(s) in question and also the title, the writ petitioner is at liberty to seek his remedy before the competent Civil Court by impleading the private parties who have encroached and also if the Government thinks that they have encroached the land(s), it requires pleadings and evidence, for which, neither the Writ Court, nor the Contempt Court can decide the issue involved in this case, more particularly, the measurements, etc. of the land(s).

12. Hence, the petitioner is at liberty to work out his remedy in the

Page No.5/7



Cont.P.No.394 of 2025

manner known to law before the competent Civil Court from all the encroachers including Government, if the Government had encroached.

09.07.2025

CS

To

1. The Special District Revenue Officer
(Land Acquisition),
Chennai Kanniyakumari Industrial Corridor Project,
Kancheepuram-631 501.
2. The Tahsildhar,
Kancheepuram Taluk,
Kancheepuram-631 502.
3. The Executive Engineer,
Highways Department,
Chennai Kanniyakumari Industrial Corridor Project,
Kancheepuram-631 501.

Page No.6/7



WEB COPY



Cont.P.No.394 of 2025

P.VELMURUGAN, J

CS

Cont.P.No.394 of 2025

09.07.2025

Page No.7/7