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CONT P No. 3644 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

CONT P No. 3644 of 2024

1. Mrs. Anita Chitnis,
Rep. by Power Agent, Mrs.Cynthia
Dulipsingh, No.7, 15th Avenue,
Harrington Road, Chetpet,
Chennai-600 031

Petitioner(s)

Vs

1. Tmt. Kalaiselvi Mohan and 9 others
THE DISTRICT COLLECTOR, Office of
the District Collector, No.3, Collector's
Office Road, Kanchipuram, Kanchipuram
District.

2.T. Cheran Thaiyan,
THE TAHSILDAR, Padappai Office of the
Tahsildar, Sriperumbudur, Kanchipuram
District.

3.Mr. Gopal,
THE EXECUTIVE OFFICER Padappai, I
Grade Panchayat Office No.1/187 Anna



Nagar, I Street, Padappai-601 301

4. Mrs. Sridevi,

THE BLOCK DEVELOPMENT OFFICER,
Office of the BDO, Padappai-601 301.

5. The Deputy Director

Town and Country Planning, Office of the
Deputy Director, Town and Country
Planning, Chengalpet.

6. The Superintendent of Police,

Office of the Superintendent of Police,
Kancheepuram,
Kancheepuram District.

7. The Assistant Superintendent of Police

Office of the Asst. Superintendent of Police,
Kancheepuram,
Kancheepuram District.

8. The Inspector of Police,

Manimangalam Police Station,
Manimangalam, Sriperumbudur,
Kancheepuram District.

9. The David Nagar Trust,

Rep. by its Chairman, Mr. Rajkumar
Davidar, David Nagar,
Padappai - 601 301.

10. R. Bhuvana Kumar,

No. 6, Anna Street, Kamarajapuram,
Chennai - 600 073. (Impleaded as



Respondents Nos. 5 to 10 as per the Order of
the Hon'ble Court made in Sub Appl No.
340/2025 in Cont. P. No. 3644/2024, dated
03.04.2025)

Contemnor(s)

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PRAYER

To punish the Respondents I to IV for committing Contempt of Court on their willful disobedience to implement the direction of this Hon'ble Court dated 14.03.2024 passed in W.P.No. 17199 of 2019.

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For Contemnor(s): Mr.A.Selvendran,
Special Government Pleader
For RR1 to 4
Status Report Filed on
25.02.2025

Mr.M.Santhanaraman For R9
Mr.B.R.Sivasubramaniam
For R10

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Contempt Petition has been filed to punish the respondents for their disobedience or the orders of this Court dated 14.03.2024 passed in W.P.No.17199 of 2019.

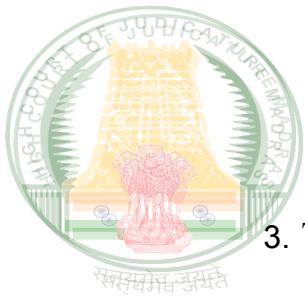


2. With reference to the relief sought for by the contempt petitioner in the writ petition that to direct the respondents 1 to 8 in the writ petition to remove the encroachments on the road in front of the petitioner's property and illegal construction erected by the 10th respondent comprised in Survey No.548/3 A David Nagar, Padappai, Sriperumbudur Taluk, Kanchipuram District, this court passed the following orders:

"9. We are not expressing any opinion in respect of the 20 feet road as claimed by the writ petitioner, situate in the Northern boundary side of Plot No.16.

10. In view of the facts and circumstances, the respondents 1 to 4 are directed to survey the 40 feet road and remove all the encroachments in the 40 feet road and demolish the unauthorized constructions on the road. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the above directions, the present writ petition is allowed in part. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed."

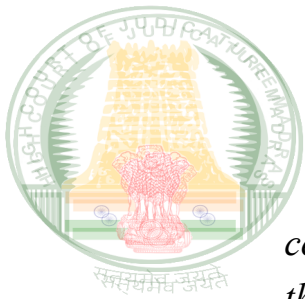


3. This Court directed the respondent to conduct survey and in the event of any encroachment/unauthorized constructions, the same is to be removed.

The said exercise was directed to be completed within a period of twelve weeks.

Since the time line granted by this Court expired, the present contempt petition came to be instituted.

4. This Court directed the Tahsildar, Kundrathur to complete the survey as per the directions issued by this Court and file a report. Consequently, the Tahsildar, Kundrathur filed a status report. The status report states that survey has been conducted on 13.12.2024 on the 40 feet road and survey revealed that the encroachment as alleged by the petitioner lies in the land comprised in survey number 548/3B1D-0.09.0 hectares which is a patta land and the patta stands in favour of David Nagar Trust vide Patta No.827 as per Village Accounts. It is relevant to extract paragraph Nos.6, 7, 8 and 9 of the report which reads as under:



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“6.It is submitted that in the above circumstances, 3.5 cents out of 0.09.0 hectares in S.No.548/3B1D has been sold by the 9th respondent i.e., David Nagar Trust to the 10th respondent i.e, one Mr.Bhuvana Kumar in the year 2013. Thereafter, the said field was subdivided as 548/16 and patta was issued to the 10th respondent. Then, he has obtained Building Plan Approval to construct a building in S.No.548/16 from the Block Development Officer, Kundrathur and he has built a basement for construction of house on the above mentioned patta land.

7.It submitted that there are no constructions or encroachments on the 20 feet road in front of the petitioner's house, located in David Nagar in Survey No.548/3A2B, Sriperumbudur Taluk, Kanchipuram District and the said road bearing Survey no.548/12 is being maintained as a road.

8.It is submitted that the survey revealed that the encroachment alleged by the petitioner now lies in the land comprised in Survey No.548/16-3.5 cents is patta land. The 10th respondent has constructed a building after obtaining building plan approval on the said land and that house is situated at the point where the 40 feet road turns at the Survey No.545/3. It is further submitted that the above construction is not an obstacle for the petitioner to use a 20-feet road and a 40-feet road as shown in the field map.

9.As submitted and explained above, it is submitted that the order of this Hon'ble Court has been duly complied with. There is no deliberate or wilful disobedience as alleged. The Respondents are tending unconditional apology before the Hon'ble Court, if this Court comes to a conclusion that the order was not complied with. There is no merit in the Contempt Petition and the same is liable to be dismissed.”



5. The authorities after conducting survey found that the construction is not an obstacle for the petitioner to use 20 feet road and 40 feet road as shown in the field map.

6. The learned senior counsel appearing on behalf of the petitioner would submit that even as per the authorities, encroachments are identified.

7. This Court is unable to accept such contention, since it is a dispute which is to be resolved by way of adjudication. In a contempt petition, Court cannot adjudicate the issues on merits. If at all any grievance exists, the petitioner is at liberty to approach the competent civil Court of law for seeking appropriate relief. However, this Court does not find any willful disobedience of the orders passed by this Court by the respondents. Consequently, the Contempt Petition stands closed. No costs.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)

24-04-2025

ssi

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

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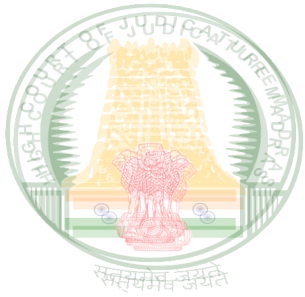


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