



CONT.P.(MD)No.2106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

CONT.P.(MD)No.2106 of 2024

in

W.P.(MD)No.27613 of 2023

PL.Nachiappan

... Petitioner

Vs.

**1.Tmt.Aruna,
The District Collector,
Pudukkottai, Pudukkottai District.**

**2.Tmt.Theivanayagi,
The Revenue Divisional Officer,
Iluppur, Pudukkottai District.**

**3.Thiru Kaviyarasu,
The Tahsildar,
Kulathur Taluk, Keeranoor,
Pudukkottai District.**

...Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for willful disobedience of the order dated 22.11.2023 passed in W.P.(MD)No.27613 of 2023 on the file of this Court.



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For Petitioner : Mr.S.Meenakshisundaram,
Senior Counsel,
for Mr.B.Muruganandam
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

This Contempt Petition has been instituted to punish the respondents for their willful disobedience of the order of this Court dated 22.11.2023 passed in W.P.(MD)No.27613 of 2023.

2.This Court passed orders, directing the authorities to conduct inspection, survey, identify the encroachment if any and remove the same. In pursuance to the orders of this Court, the petitioner has also submitted representation, stating that encroachments are there. The authorities competent have conducted enquiry. Pertinently, the Revenue Divisional Officer, Iluppur, conducted enquiry and found that the subject land has been classified as 'Government Poramboke Cart Track'. The said land was utilized for public purposes and it was allotted for Police Department. Therefore, the subject land



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has been utilized for Government purposes, which cannot be construed as encroachment.

3.The learned Senior Counsel appearing for the petitioner would submit that vast extent of the land measuring about 13 acres is available and therefore, occupation of cart track may not be required.

4.These issues on merits cannot be adjudicated in a contempt proceedings. The Court has to find out as to whether the orders passed are violated intentionally. Willful disobedience of the orders is required for the purpose of invoking contempt jurisdiction under the Contempt of Courts Act.

5.The learned Special Government Pleader appearing for the respondents would submit that the subject land was utilized for public purposes and there is no encroachment. As far as the pathway is concerned, the authorities competent have confirmed the pathway, which can be used by the people in that locality, including the petitioner.



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6. When there is a pathway, which is already in existence and available and the subject land has been utilized for public purposes, the petitioner has not established any willful disobedience of the order of this Court and therefore, this Contempt Petition stands dismissed.

**(S.M.S., J.) & (A.D.M.C., J.)
24.07.2025**

NCC : Yes / No
Index : Yes / No

Yuva

To

1. Tmt. Aruna,
The District Collector,
Pudukkottai, Pudukkottai District.
2. Tmt. Theivanayagi,
The Revenue Divisional Officer,
Iluppur, Pudukkottai District.
3. Thiru Kaviyarasu,
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S.M.SUBRAMANIAM, J.

AND

DR.A.D.MARIA CLETE, J.

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