



Cont.P.(MD) No.2455 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Cont.P.(MD) No.2455 of 2024

in

W.P.(MD) No.19013 of 2024

S.Lakshmi

... Petitioner

-vs-

1.K.Chelladurai
Joint Commissioner
Office of Joint & Assistant Commissioner
HR & CE Department
Ellis Nagar
Madurai-625 016

2.T.Valarmathi
Assistant Commissioner
HR & CE Department
No.18, Naatchi Street
Virudhunagar-626 001

... Respondents

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 praying to take contempt proceedings against the contemnors for non-obedience of the order, dated 27.08.2024, passed in W.P. (MD) No.19013 of 2024.



WEB COPY

Cont.P.(MD) No.2455 of 2024

For Petitioner : Mr.Sakthi Row
for Mr.K.Malaimaran

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

[Order of the Court was made by RMT.TEEKAA RAMAN, J.]

One Lakshmi filed the writ petition in W.P.(MD) No.19013 of 2024 seeking a direction to the Joint Commissioner, HR & CE Department, Madurai and the Assistant Commissioner, HR & CE Department, Virudhunagar, to take necessary action to remove the illegal construction put up by one Ajay.

2. Even though, according to the petitioner, the subject land belongs to Arulmigu Draupadi Amman Temple, the said Temple has not been arrayed as a party respondent in the said writ petition.

3. This Court, by order dated 27.08.2024, directed that the Joint Commissioner, HR & CE Department, Madurai and the Assistant Commissioner, HR & CE Department, Virudhunagar, will take appropriate



Cont.P.(MD) No.2455 of 2024

action to remove the illegal construction strictly in accordance with Section 78 of the HR & CE Act, after due notice to the alleged encroacher.

4. Alleging non-compliance of the said order, the writ petitioner has filed the present contempt petition.

5. On perusal, it is seen that though the petitioner claims that the subject land belongs to the above said temple, she has not arrayed the said Temple as a party respondent in the writ petition.

6. It is also to be noted that in the prayer portion of the writ petition also, the petitioner has not whispered about the location of the land where encroachment is sought to be removed.

7. When this Court put a question, learned counsel for the petitioner submitted that the petitioner filed the writ petition in her personal capacity and not as a Trustee of the said Temple.



Cont.P.(MD) No.2455 of 2024

WEB COPY

8. Admittedly, there is a dispute between the petitioner with the other hereditary trustees of the said Temple appointed by the HR & CE Department and the same is pending before the competent authority.

9. Be that as it may, today, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that necessary action is being taken by the respondents for removal of encroachment in the subject land and now enquiry process is going and the process of removal of encroachment will be completed as expeditiously as possible.

10. In view of the above, we are of the view that the substantial portion of the order, dated 27.08.2024, made in W.P.(MD) No.19013 of 2024, has been complied with by the respondents and therefore, we do not find any willful disobedience on the part of the respondents.

11. At the same time, it is to be noted that the petitioner, who is making a rival claim of hereditary trusteeship, cannot file the writ petition as a public interest litigation.



Cont.P.(MD) No.2455 of 2024

WEB COPY

12. Accordingly, this contempt petition is closed with liberty to the petitioner to reopen this contempt petition in future, if any such necessity arisen.

[T.K.R., J.]

[L.V.G., J.]

09.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk

To:

1.Mr.K.Chelladurai,
Joint Commissioner,
Office of Joint & Assistant Commissioner,
HR & CE Department,
Ellis Nagar,
Madurai-625 016.

2.Mr.T.Valarmathi,
Assistant Commissioner,
HR & CE Department,
No.18, Naatchi Street,
Virudhunagar-626 001.



WEB COPY



Cont.P.(MD) No.2455 of 2024

RMT.TEEKAA RAMAN, J.
AND
L.VICTORIA GOWRI, J.

krk

Cont.P.(MD) No.2455 of 2024
in
W.P.(MD) No.19013 of 2024

09.01.2025