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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

CONT P No. 532 of 2023

T.Maheshwaran
S/o. Thangasamy,
No.16, Agraharam, Thiruvolkudi,
Kuttalam, Nagapattinam District.

..Petitioner(s)

Vs

Tmt.M.Gomathy
Tahsildar,
Office of the Kutthalam Taluk,
Kutthalam, Mayliaduthurai District,
Pin code 609 801.

..Contemnor(s)

To punish the respondent for her wilful disobedience of the order made in W.P.No.30668 of 2019 and WMP No.30743 of 2019 dated 30.10.2019.

For Petitioner(s): Mr.S. Illamvaludhi

For Contemnor(s): Mr.D.Ravichander,
Special Government Pleader .
Mr. P.M.N.Bhagavath Krishnan,
Advocate Commissioner

ORDER

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

The present Contempt Petition has been filed to punish the



respondents for their wilful disobedience of the order of this Court dated 30.10.2019 passed in W.P.No.30668 of 2019. This Court has passed the

following order:

4. This Court, after taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the 3rd respondent to act on the communication of the 2nd respondent dated 25.06.2019 in Tha.Pa.No.34/2019/m6 and take appropriate action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken in this regard, to the petitioner.

5. In the result, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

2. In pursuance to the present complaint, this Court appointed an Advocate Commissioner to conduct field inspection. The Advocate Commissioner conducted field inspection and submitted a report on 05.03.2024. The findings of the Advocate Commissioner reads as follows:

A. *As on date of inspection, there are inlet and outlet with respect to the Vaaikaal/Channel in Sy.No.192/1 and 191. The inlet is from Sy.No.188 and 189 and the outlet is at the end of the Sy.No.192/1 and 191.*

B. *As on date of inspection, it is seen that there is a water channel in Sy.No.192/1. However, there is no existing water channel in Sy.No.191. The same is encroached by a Road.*



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C. *If the Channel is converted as a Road, then there is no possibility of water flow in the area. However, there is a pathway mentioned in the FMB Sketch which may be retained for the purposes of transportation. However, I wish to state that as on the date of inspection, there is no water flow in the said Sy.Nos.”*

3. This Court has not adjudicating the merits of the claim projected by the petitioner either in his representation or in the writ petition. In the absence of any adjudication on merits in the writ petition, such merits cannot be adjudicated in the contempt proceedings. A general direction was issued to initiate appropriate action.

4. Learned Additional Government Pleader would submit that all appropriate actions were initiated in this regard. That being the factum prevails, the respondents have not committed any wilful contempt. If any other grievance exists to the petitioner regarding any further obstructions or encroachments, he is at liberty to file a fresh complaint before the competent authority for initiation of action in the manner known to law.

5. With the above observation, the contempt petition stands closed.

(S.M.S.,J.) (C.K.,J.)
11-02-2026

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**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

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