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Rev.Aplo.No.13 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

Rev.Aplo.No.13 of 2025

and

Sub.Appln.No.1053 of 2025

in

Cont P.No.3436 of 2024

Kanimozhi

The Assistant Divisional Engineer (Highways)

Construction Maintenance

Sriperumbudur,

Kancheepuram District.

... Petitioner

vs.

M.Natarajan

S/o.Muthu

... Respondent

Review Application filed under Order 47 Rules 1 and 2 of CPC read with Section 114 of the Code of Civil Procedure, praying to review the order dated 08.07.2025 passed in Contempt Petition No.3436 of 2024.

For Petitioner	:	Mr.P.Kumaresan Additional Advocate General assisted by Mr.S.Yashwanth Additional Government Pleader
For Respondent	:	Mr.M.Natarajan, party-in-person



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ORDER

[Made by **S.M.SUBRAMANIAM, J.,**]

The present review application has been instituted seeking to review the order dated 08.07.2025 passed in Contempt Petition No.3436 of 2024.

2. The contempt petition filed by the respondent Natarajan emanated from the order dated 03.09.2024 passed in W.P.No.25418 of 2024, wherein the respondent has challenged the notice for eviction issued by the Assistant Divisional Engineer (Highways), Construction and Maintenance, Sriperumbudur.

3. The Hon'ble Division Bench of this Court passed an order in the writ petition treating the said notice as a show cause notice and granted liberty to the respondent to submit his explanation within a period of one week from the date of receipt of a copy of that order and on receipt of such explanation, the Assistant Divisional Engineer was directed to consider the same and pass appropriate orders within a period of three weeks.

4. Contempt Petition No.3436 of 2024 was filed by the respondent mainly on the ground that no opportunity was granted to him as directed by the writ Court nor was any opportunity afforded to him to submit his



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explanation, but a portion under his occupation was demolished by the authorities. The respondent would contend that, without affording any opportunity, he was construed as an encroacher and the building constructed by him was also demolished during the eviction drive conducted by the Highways Department for eviction of the entire stretch of buildings, abutting the State Highways Road.

5. The learned Additional Advocate General, appearing on behalf of the State, would mainly contend that the writ order was passed at the admission stage to afford an opportunity to the respondent, who was an encroacher. Opportunity was afforded to the respondent to submit his explanation and he has submitted his explanation in response to notice, which he admitted in the affidavit filed in support of the writ petition. After affording opportunity to all the encroachers in the entire stretch on the State Highways road, an eviction drive has been undertaken by the competent authorities and all the encroachers were removed for implementing the Highways road widening project.

6. Curiously, even before passing of the order in W.P.No.25418 of 2024 dated 03.09.2024, the eviction was carried out and encroachers were removed. To substantiate this, the State enclosed photographs along with the date and time of eviction carried out by the competent



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authorities. Thus, the writ petition itself came to be instituted after evicting encroachers by demolishing unauthorised constructions made in the Highways property.

7. Be that as it may, this Court has carefully gone through the documents filed between the parties.

8. Several photographs taken during the eviction drive are placed before this Court. The affidavit filed by the respondent in W.P.No.25418 of 2024 reveals that the respondent received the eviction notice issued by the competent authorities. Further, he defended the notice by submitting his explanation. Even in the affidavit, he has stated that the entire road belonged to the Revenue Department and does not belong to the Highways Department. Raising all the grounds, the respondent submitted his representation, which was also taken on record by the authorities.

9. The learned Additional Advocate General would submit that the writ order was passed at the admission stage. At the time of hearing of the contempt petition, none of these documents were produced by the authorities, resulted in passing of the order dated 08.07.2025, which is sought to be reviewed in the present petition.

10. On perusal of the contempt petition order sought to be reviewed, this Court is of the considered view that the order directing the



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Government to pay compensation of Rs.5 Lakhs to the respondent and to recover the said compensation from the officers who are responsible for carrying out the erroneous eviction drive by taking law into their own hands without following procedure is unnecessary and would fall beyond the scope of the provisions of the Contempt of Courts Act, 1971 [hereinafter “Act 1971” for the sake of brevity]. Section 12 of Act 1971 contemplates punishment for contempt. Sub-Section (1) of Section 12 of Act 1971 stipulates that a person committed contempt of court may be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both. Therefore, any further adjudication on merits, if at all, raised between the parties or grant of compensation or to grant any other relief as sought for in the original proceedings or urged before the contempt Court would not result in issuing a direction beyond the scope of the punishment as contemplated under Section 12 of Act 1971.

11. Adjudication, re-adjudication or examination of new records beyond the scope of the order against which the contempt petition is filed is unnecessary for the High Court. In the present case, neither before the writ Court nor before the Court which dealt with the contempt petition, records have been filed to establish that opportunities were afforded to the



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respondent, who was an encroacher along with all other encroachers. An eviction drive had been undertaken in the entire stretch of the Highways property in order to implement the Highways road widening project. Taking note of the facts as well as the documents produced before this Court by the State and the reply given by the respondent in person, this Court is of the considered view that an error apparent has crept in on account of the fact that the Court had no occasion to consider the documents relating to the services of notice, explanation submitted by the respondent and eviction drive carried out by the State authorities on the Highways property even before passing of orders in the writ petition and other connected documents.

12. In view of the factum as established above, the order dated 08.07.2025 passed in Contempt Petition No.3436 of 2024 is reviewed and set aside. Accordingly, the Review Application is allowed. Consequently, connected sub application is closed. There shall be no order as to costs.

(S.M.S.,J.) (K.S.,J.)
25.03.2026

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Neutral Citation : Yes
Speaking order

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