



Cont.P.(MD)No.671 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P.(MD)No.671 of 2024
in
W.P.(MD)No.23771 of 2022**

1.G.Somasekharan Nair
2.Sathiyabhama Amma

... Petitioners

Vs.

1.Shyam.M,
The Executive Authority / President,
Choozhal Village Panchayat,
Choozhal, Adaikalkuzhi Post,
Via Kaliakkavilai,
Kanyakumari District.

2.Thiruthuva Prasad,
S/o.Parameswaran,
Koonimarathattu Puthen Veedu,
Choozhai Village,
Adaikakuzhi Post,
Via Kaliakkavilai,
Kanyakumari District,
Pin -629 158.



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3. Sheela,
W/o. Thiruthuva Prasad,
Koonimarathattu Puthen Veedu,
Choozhai Village,
Adaikakuzhi Post,
Via Kaliakkavilai,
Kanyakumari District,
Pin -629 158.

*(R2 and R3 amended vide order dated .09.01.2025 in
Sub.A(MD)No.8 of 2025 in Cont.P(MD)671 of 2024
by TKRJ & LVGJ)*

4. D.N. Ajitha,
Block Development Officer,
Munchirai, Puthukadai Post,
Kanyakumari. ... Contemnors

*(R4 is suo motu impleaded vide order dated
20.11.2025 in Cont.P(MD)671 of 2024 by PVJ &
LVGJ)*

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondents for the contempt of court committed by them by their willful disobedience to the order dated 20.06.2023 of this Court in W.P.(MD)No.23771 of 2022.

For Petitioners : Mr.K.N.Thambi

For Contemnors : Mr.F.Deepak for R1
Mr.Shaji Chellan for R2 & R3
Mr.N.Ramesh Arumugam,
Government Advocate for R4.



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ORDER
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The petitioners herein filed W.P.(MD)No.23771 of 2022 for directing the authorities to take action against the construction put up by the respondents 7 and 8 in the writ petition. The writ petition was disposed of on 20.06.2023 in the following terms:-

“2. Considering the fact that the property in question situate in Kanniyakumari District and the considering the landscape of the said District, we do not think that we can based on the photographs or plan, decide as to the actual lie of the land or the building in that area. We therefore, direct the fifth respondent to take into account the report submitted by the second respondent and if he is satisfied that the construction is not in tune with the approved plan, he is required to take steps to remove the offending construction. The fifth respondent is required to take future course of action within three months from the date of receipt of a copy of this order.”

Contending that the order of this Court has not been complied with, this contempt petition came to be filed.

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3.The contempt petition was taken up on many occasions. The jurisdictional Block Development Officer was also *suo motu* impleaded as the fourth respondent. An Advocate Commissioner was also appointed. The Advocate Commissioner filed a detailed report and plan. Since the petitioner was not satisfied with the said report, further submissions were made and on 16.10.2025, the following direction was passed:-

“Already notice served on the respondents, but none appeared on behalf of the respondents. Issue statutory notice to the respondents.”

4.Today ie., 20.01.2026 when the matter was taken up for hearing, the jurisdictional Block Development Officer filed a report. Paragraph Nos.11 to 13 of the said report read as follows:-

11.I sincerely state that thereafter on 27.11.2025, this Hon'ble Court, directed me to revisit the property on 07.12.2025, re-measure the property afresh and file report.



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12.I sincerely state that in compliance of the above said order dated 27.11.2025, I visited the subject matter of the property involved in the above said W.P.(MD)No.671/2022 on 07.12.2025 at 10 am.

13.I sincerely state that at the time of my said visit, the petitioner along with his counsel, Respondent No.1 and respondents 2 and 3 along with their counsel were present at the property and the measurement was done in their presence. At the time of my measurement I found that the respondents 2 and 3 (respondents 7 and 8) already demolished the excess area of the construction.”

5.The learned counsel for the petitioners was at pains to point out that the jurisdictional Block Development Officer had not enclosed any plan and therefore, he is handicapped in offering his objections.

6.We note that in the primary order passed while disposing of the writ petition, there was no adjudication on merits. The scope of contempt proceeding is rather limited. It cannot be extended or stretched beyond a point. If the petitioners are still aggrieved by the action taken by the authorities, it is always open to the petitioners to file a fresh writ



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petition on the same cause of action. It is not possible to issue any further direction in this contempt proceeding. We remind the petitioners that contempt action is one between the Court and the contemnor and that the petitioners cannot dictate the course of action to be taken by the Court.

7.With the aforesaid liberty to the petitioners, this contempt petition is closed.

(G.R.S. J.) & (L.V.G. J.)
20.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

1.Shyam.M,
The Executive Authority / President,
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Choozhal, Adaikalkuzhi Post,
Via Kaliakkavilai,
Kanyakumari District.

2.Thiruthuva Prasad,
S/o.Parameswaran,

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4.D.N.Ajitha,
Block Development Officer,
Munchirai, Puthukadai Post,
Kanyakumari.



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