



Cont P(MD)No.2258 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

Cont P(MD)No.2258 of 2023

in

W.P(MD)No.23123 of 2022

Shanmugapandiyan

... Petitioner /
Petitioner

Vs.

1.Annis Sathaar,
Tahsildar,
Thirupparankundram,
Madurai District.

2.Geetha,
Block Development Officer,
Thirupparankundram,
Madurai District.

3.Murugesan,
Panchayat President,
Perungudu Panchayat,
Madurai District.

... Contemnors /
Respondents



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Prayer: Contempt Petition filed under Section 11 of Contempts of Courts Act, 1971 to initiate contempt proceedings against the Contemnors/Respondents and punish them for the wilful disobedience of the order of this Court in W.P(MD)No.23123 of 2022 dated 30.09.2022.

For Petitioner : Mr.B.Arun
For Respondents : Mr.T.Amjad Khan
Government Advocate
for R.1 & R.2

ORDER

(Order of the Court was made by G.R.Swaminathan J.)

The petitioner herein filed W.P(MD)No.23123 of 2022 seeking removal of the alleged encroachment in the petition mentioned pathway. The writ petition was disposed of on 30.09.2022 with certain directions. Contending that the said directions have not been complied with, this contempt petition came to be filed.

2.The learned Government Advocate points out that subsequently the alleged encroacher filed W.P(MD)No.24457 of 2022 and clarification order was passed on 27.10.2022. The very same Division Bench called upon the authority concerned to conduct enquiry and point out if the pathway in question is a public pathway or a common passage.



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WEB COPY 3.Paragraph 6 of the order reads as follows:

“6.Recording the above submission of the learned Additional Government Pleader and directing the authorities concerned to inspect the area in question, ascertain as to whether there is any encroachment as projected by the petitioner in his representations, and if any encroachment is found, to remove the same, in the manner known to law, with in a period of eight (8) weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to all the parties concerned, the writ petition is disposed of. No costs.”

4.Subsequently, the alleged encroacher also filed O.S.No.1680 of 2023 on the file of the Principal Sub Court, Madurai. Thiru.Shanmugapandiyan figures as the defendant in the said suit. The Tahsildar, Thiruparangundram had also issued proceedings dated 18.11.2023 stating that it is only the civil Court that can decide the issue. In these circumstances, we are satisfied that no contempt has been committed by the respondents. The petitioner is at liberty to pursue his remedy in the pending suit.



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5. With the aforesaid liberty to the petitioner, this Contempt

Petition stands closed.

[G.R.S., J.] [R.P., J.]
10.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Tahsildar,
Thirupparankundram,
Madurai District.
2. The Block Development Officer,
Thirupparankundram,
Madurai District.
3. The Panchayat President,
Perungudu Panchayat,
Madurai District.



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G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

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