



Cont P(MD)No.3785 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

Cont P(MD)No.3785 of 2025

in

W.P(MD)No.4128 of 2024

M.Udhayakumar

... Petitioner /
Respondent No.5

Vs.

- 1.K.J.Praveen Kumar, I.A.S.,
District Collector,
Office of the District Collector,
Collectorate Campus,
Madurai District
- 2.Chithra Vijayan, I.A.S,
Commissioner,
Office of the Commissioner,
Madurai Corporation,
Madurai District.
- 3.R.Ravi Kumar,
Assistant Commissioner,
Office of the Assistant Commissioner,
Madurai North Zone II,
Madurai Corporation,
Madurai District.



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4.Pandi,
Tahsildar,
Office of the Tahsildar,
Madurai North,
Madurai District.

... Contemnors /
Respondents 1 to 4

Prayer: Contempt Petition filed under Section 11 of Contempts of Courts Act, 1971 to initiate contempt proceedings against the contemnors / Respondents 1 to 4 and punish them for the willful disobedience of the order of this Court in W.P(MD)No.4128 of 2024 dated 19.06.2025.

For Petitioner : Mr.M.Mahaboob Fazil
for M/s.Roy and Roy Associates

For Respondents : Mr.M.P.Senthil
Government Advocate
for R.1 & R.4

Mrs.S.Devasena
Standing Counsel
for R.2 & R.3

ORDER

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

The petitioner complains that the direction given by this Court in W.P(MD)No.4128 of 2024 on 19.06.2025, has not been complied with.

2.When the matter was taken up for hearing, the learned Standing Counsel for the Madurai Corporation drew our attention to an earlier



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order dated 19.02.2021 made in W.P(MD)No.13485 of 2019. The said writ petition has been filed by the petitioner herein. The writ petition was disposed of as follows:

“4.Considering the submissions made, particularly, with respect to the fact that rough house Patta has been granted in favour of the private respondents, we are not inclined to pass any orders over the land governed by them. However, the said 5 feet road has to be maintained. It appears that even the said road is not free for ingress and egress and therefore, the official respondents are directed to make sure that the said 5 feet are not encroached either temporarily or permanently. Insofar as the encroachment made by the said Chellammal is concerned, she has to be evicted after issuing notice and by following the due process of law.”

3.Pursuant to the direction given in W.P(MD)No.13485 of 2019, an eviction notice was issued. One Ponganesh challenged the same by filing W.P(MD)No.4128 of 2024. The said writ petition was disposed of by the Division Bench in the following terms:

“7.In the present case, the petitioner has produced certain documents which requires scrutinization. The authorities are bound to verify the genuinity of those documents including the objections filed by the fifth respondent with reference to the



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revenue records available in the Department and the Corporation. However, in the event of identifying unauthorized constructions or encroachments, the authorities are bound to continue the enforcement action and demolish the unauthorized construction and evict the encroachers from the public property and resume the public property for the public usage. However High Court cannot decide the disputed facts of this nature, wherein, the parties have produced some documents which requires examination and also the genuinity of those documents also to be verified. In the event of any fraud or manipulation even criminal prosecution sought to be initiated against the persons who are involved in such activities.

8.In view of the facts and circumstances, the petitioner is at liberty to submit his explanation along with documents, if any, to the second respondent/Commissioner, Madurai Corporation, within a period of ten days from the date of receipt of a copy of this order. On receipt of any such representation from the petitioner, the competent authority shall conduct an enquiry and thereafter, take a decision and continue enforcement action, if the buildings are identified as unauthorized or encroachments are found. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.”



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4.The rights of the petitioner stood crystallized in the order dated 19.02.2021 in W.P(MD)No.13485 of 2019. The petitioner cannot ask for anything more than that. This Court had made it clear that the 5 feet road leading to Burma Colony should be kept free from encroachment for all times to come. It appears that this direction was also not complied with. Therefore, even though this contempt petition has been filed in respect of the order made in W.P(MD)No.4128 of 2024, we propose to treat it as a contempt petition arising out of the order passed in W.P(MD)No.13485 of 2019 which was filed by the petitioner himself.

5.Pursuant to the directions given by us, the encroachments on the 5 feet road were removed on 25.05.2026. Photographs have also been placed before us. The learned Standing Counsel for the corporation as well as the Government Advocate have assured this Court that the 5 feet Road leading to Burma Colony will always be kept free of encroachment and that its width shall not be reduced even by an inch. In fact, on account of removal of the encroachments, the 5 feet road appears to have widened to about 10 feet on the southern side and 8 feet on the northern side. This road shall be maintained as such for all times to come. We issue a writ of continuing mandamus in this regard. Even the width of the above road shall not be reduced by an inch.



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WEB COPY 6.This Contempt Petition is disposed of accordingly.

[G.R.S., J.] [R.P, J.]
01.06.2026

MGA

To

- 1.The District Collector,
Office of the District Collector,
Collectorate Campus,
Madurai District
- 2.The Commissioner,
Office of the Commissioner,
Madurai Corporation,
Madurai District.
- 3.The Assistant Commissioner,
Office of the Assistant Commissioner,
Madurai North Zone II,
Madurai Corporation,
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- 4.The Tahsildar,
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