

Kannappan and another Vs Sivasami and another

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Court : Chennai

Decided On : Jan-30-2026

Judge : Honourable Mr Justice N. Anand Venkatesh

Appeal No. : CONT P/3626/2025

Appellant : Kannappan and another

Respondent : Sivasami and another

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH Contempt Petition No. 3626 of 2025

1. Kannappan and another S/o. Karuppannan

2. Selvaraj, S/o. Karuppannan, Both the Petitioners are residing at, Kuruvakalam, Ruthrapalayam Post, Madathakulam Taluk, ..Petitioner(s) Vs

1. Sivasami and another S/o. Mayilsamy Gounder, Residing at No. 2/33A, Oonchavaelampatti, Udumalai Road, Pollachi 642 003.

2. The Tahsildar, Madathukulam Taluk, (Suo Motu impleaded as 2nd Respondent as per the Order of the Hon'ble Court made in Cont.P.No.3626 of 2025, dated 12.12.2025) Page1 of 6 ..Contemnor(s)

PRAYER: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, To punish the Respondent for having committed Contempt of Court for disobeying the Order made in Review Appln. (Writ) No. 103 of 2025 dated 21.07.2025 For Petitioner(s): Mr. M. Raja Sekhar For Contemnor(s): Mr.G. Velu Additional Government Pleader

ORDER

Pursuant to the order passed by this Court, a report has been filed by the Tahsildar, Madathukulam, and the relevant portions are extracted hereunder:-

As per the Revenue records a pathway and irrigation canal runs in S.F.744/2 to an extent of 0.11.5 hectare which is situated on the eastern side of respondents S.F.No:744/1. In the field inspection it was found that a metal road and a irrigation canal is present in the field. Further it was found that the respondents have fenced their holding in S.F.No.744/1. The petitioners field in S.F.No:743 lies on the northern side of respondents field. Apart from the petitioners there are several other people having their holding in S.F.No:743.

Before updating survey (UDR) S.F.No.744 was not subdivided. Hence S.F.No.744/land 744/2 didn't exist before UDR. As per enquiry S.F.No.744 belonged to Tmt.kamala Ganapathy and others. As on date S.F.No.744/1 is a patta land and S.F.No.744/2 is road and irrigation canal. Further S.F.No. 743,744/1,2 belonged to one Tmt.kamala Ganapathy and others before UDR. The Petitioners of revision petition

Page2 of 6 Thiru.kannappan s/o karuppan (1), Thiru.Selvaraj s/o. karuppanan and one other person were joined owners of S.F.No.743 at present Since, the respondents of revision petition Thiru. Sivasamy has fenced his land in S.F.No.744/1 the petitioners access to S.F.No. 743 was totally blocked and they have lost their pathway.

At present the respondents Thiru.Sivasamy and his wife Tmt. Sivasankari have fenced their land in S.F.No.744/1 was confirmed by field inspector and the GPS photos were attached as proof. In the initial days (before UDR) where S.F.No.743 and 744 were owned by single pattadar that is Kamala Ganapathy and others the petitioner used 744/1 as pathway. Further during the field Inspector it was found that the southern Portion of S.F.No.744/1 which is triangular in shape and was same used as Pathway to reach S.F.No.743. It is submitted that as per the direction of Honble High court the relevant Revenue Records are Attached.

2. It is clear from the above that the fencing continues in S.F.No.744/1 and thereby the access of the petitioner to S.F.No.743 is blocked.

3. When the above was brought to the notice of the learned counsel for

the first respondent / writ petitioner, the learned counsel submitted that the fencing in fact was removed by the petitioner and that thereafter, they have refenced the property and therefore, the first respondent / writ petitioner cannot be blamed for such conduct on the part of the petitioner. Page3 of 6

4. In the considered view of this Court, this Court had already directed the

removal of the fencing, and the report of the Tahsildar shows that fencing still exists. Hence, if it is the petitioner, who had refenced the property, the same has to be removed by the petitioner. It goes without saying that the interest of the writ petitioner has already been sufficiently sageguarded when the final orders passed in the Review Application on 21.07.2025, wherein it was made clear that the writ petitioner can work out the remedy before the competent Court.

5. In the light of the above discussion, the fencing which is stated to have been put by the petitioner herein, has to be removed by the petitioner and the

same shall be reported before this Court. To ensure that no law and order

problem is caused, there shall be a direction to the Inspector of Police, Komaralingam Police Station, Tiruppur District, to provide police protection.

6. With the above direction, this Contempt Petition is closed. 30-01-2026 Asi Page4 of 6 To

1. The Inspector of Police, Komaralingam Police Station, Tiruppur District.

2. Sivasami S/o. Mayilsamy Gounder, Residing at No. 2/33A, Oonchavaelampatti, Udumalai Road, Pollachi 642 003.

3. The Tahsildar, Madathukulam Taluk, Page5 of 6

N.ANAND VENKATESH, J.

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