



Cont.P(MD)No.117 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Cont.P(MD)No.117 of 2023

in

W.P(MD)No.21731 of 2022

Murugan

... Petitioner/Petitioner

Vs.

1.Mr.Chandrasekaran
Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

2.Mr.Rajkumar
Firka Surveyor,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

...Contemnors/Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court to initiate contempt of Court proceedings against the respondents for wilful and contumacious disobedience of direction passed by this Court in the order made in W.P(MD)No.21731 of 2022 dated 14.09.2022 and prosecute and punish the respondents for the contempt of Court for flouting the above said order of this Court.



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For Petitioner : MrM.Sivakumar
For R1 & R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition in W.P(MD)No.21731 of 2022 had been filed by the petitioner herein against Tahsildar, Uthamapalayam and Firka Surveyor, Uthamapalayam, Theni District. The following order has been passed by the learned Single Judge on 14.09.2022:

“6.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the petitioner's representation dated 29.08.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.”

2.It is contended that the respondents had attempted to conduct survey on 21.11.2022 and 05.12.2022. It is stated that there is a road which is adjacent and there was a proposal to acquire land adjacent to the road. Therefore, not only the petitioner but also the joint pattadhars who had not been impleaded in the writ petition had raised objections claiming that the land is theirs. Unfortunately, the order of the writ petition had been obtained without impleading the joint pattadhars. Even though the burden was caused on the



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respondents to issue notice to the joint pattadhars still propriety demanded that the petitioner should have impleaded the said joint pattadhars before this Court and if there are objections, the same could have been noted specifically by the learned Single Judge. The respondents have done their best to conduct survey on two separate occasions. They could not do so and they could not be forced to do so.

3.In view of the above, the Contempt Petition is closed.

22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To

1.Mr.Chandrasekaran

Tahsildar,

Uthamapalayam Taluk,

Uthamapalayam,

Theni District.

2.Mr.Rajkumar

Firka Surveyor,

Uthamapalayam Taluk,

Uthamapalayam,

Theni District.



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C.V.KARTHIKEYAN, J.

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