



Cont. P(MD)No.1650 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)No.1650 of 2023

in

W.P.(MD)No.25432 of 2022

Valangaiah Pandian

... Petitioner

Vs.

1.J.Ganga
Tahsildar,
Kadayanallur Taluk,
Tenkasi District.

2.Shahul Hameed
Head Surveyor,
Kadayanallur Taluk,
Tenkasi District.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors for their deliberate disobedience of the Court's order dated 01.03.2023 passed in W.P. (MD)No.25432 of 2022.

For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



Cont. P(MD)No.1650 of 2023

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ORDER

Heard both sides.

2. The petitioner filed W.P.(MD)No.25432 of 2022 for conducting survey and earmarking two cents of land purchased by him vide sale deed dated 22.12.2010. This Court disposed of the writ petition on 01.03.2023 with usual directions. Contending that the order passed by this Court has not been complied with, the contempt petition came to be filed.

3. When the matter was taken up for hearing, the learned Special Government Pleader pointed out that one Thiru.Veeraputhira Thevar filed W.P.(MD)No.7505 of 2022 for survey of his land in Survey No.750/1. Veeraputhira Thevar claimed title over 34 cents of land. The Writ Petition was allowed on 21.04.2023. Pursuant to the said direction, the authorities undertook the exercise of survey. Thiru.Balasubramanian, Sub Inspector of Survey is present in person. He stated that when survey was undertaken at the instance of Veeraputhira Thevar, the petitioner was



Cont. P(MD)No.1650 of 2023

informed and he was also present. The petitioner would however state that notice was not issued. Be that as it may, the survey report served on Veeraputhira Thevar has been enclosed in the typed set of papers and produced before this Court. Coy of the same has been served on the petitioner's counsel. It is seen therefrom that the land on which the petitioner makes claim is within the land earmarked as Veeraputhira Thevar's land by the authorities. It is for this reason, the authorities are declining to undertake a survey exercise.

4. I am satisfied that the petitioner has to necessarily resolve his dispute with Veeraputhira Thevar only before the jurisdictional civil Court. The survey report and survey sketch would indicate that the parties have to resolve their dispute only before the jurisdictional civil Court.

5. With this liberty to the petitioner, the contempt petition is closed.

04.09.2023

Index: Yes/No
Internet: Yes/No
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Cont. P(MD)No.1650 of 2023

G.R.SWAMINATHAN, J.

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To

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2. Head Surveyor,
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