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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 06.02.2026

PRONOUNCED ON : 17.02.2026

CORAM:

THE HONOURABLE **DR.JUSTICE G. JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE K.K. RAMAKRISHNAN**

CONT.P.(MD)No.2700 of 2025

R.Selvam

...Petitioner(s)

Vs

Chitra Vijayan, IAS
Commissioner
Madurai Corporation
Madurai.

...Respondent(s)

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate Contempt of Court Proceedings against the Respondent for willful and contumacious disobedience of direction passed by this Court in the order made in W.P.(MD) No.31406 of 2024 dated 6.1.2025.

For Petitioner : Mr.R.R.Kannan
For Respondents : Mr.M,Ajmal Khan
Additional Advocate General
assisted by Mr.S.Vinayak



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ORDER

(Order of the Court was made by **DR.G.JAYACHANDRAN, J.**)

W.P.(MD)No.31406 of 2024 was filed by Thiru.R.Selvam, the contempt petitioner, seeking issuance of writ of certiorarified mandamus to quash the execution order in Ma5E1/008489/2023 dated 12.12.2024 passed by the Assistant Commissioner, Madurai Corporation.

2.The order impugned in the said writ petition reads as follows:

□மதுரை மாநகராட்சி மண்டலம்.5(மேற்கு), வார்டு.71, மாடக்குளம் கிராமம், T.S.No.122-ல், பொதுப்பாதை ஆக்கிரமிப்பு அகற்றக்கோரி தாக்கல் செய்த வழக்கில், பார்வை 1- ல் கண்டுள்ள மாண்புமிகு சென்னை உயர்நீதி மன்ற மதுரை கிளை வழக்கு எண். W.P.(MD) No.20764/2024-ன் படி, 25.04.2024 அன்று தீர்ப்பாணை வரப்பெற்றுள்ளது. அதன்படி, தீர்ப்பாணையை நிறைவேற்றும் பொருட்டு, ஆக்கிரமிப்புகளை அகற்ற நோட்டீஸ் வழங்கப்பட்டு, நடவடிக்கை மேற்கொள்ளப்பட்டது.

பார்வை - 2ல் கண்டுள்ள எதிர்மனுதாரர் திரு.செல்வம் என்பவர் மாண்புமிகு சென்னை உயர்நீதி மன்ற மதுரை கிளை வழக்குஎண் W.P.(MD)No.27380/2024 தீர்ப்பாணை நாள்.02.12.2024 ஆக்கிரமிப்பை அகற்ற நேரில் சென்ற போது, மேற்கண்ட வழக்கு



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தொடர்பாக ஆக்கிரமிப்பு அகற்றாமல் நிலுவையில் நிறுத்தி வைக்கப்பட்டது. தற்போது 02.12.2024 தீர்ப்பாணையில் தள்ளுபடி செய்யப்பட்டுள்ளதால் பார்வை-3ல் கண்டுள்ள உதவிப்பொறியாளர் குறிப்பின்படி, தாங்களே ஒரு வார காலத்திற்குள் ஆக்கிரமிப்பை அகற்ற வேண்டும். தவறும் பட்சத்தில் மாநகராட்சி விதிகளின் படி, ஆக்கிரமிப்பு உடனடியாக அகற்றப்படும் என்ற விபரம் இதன் மூலம் தெரிவிக்கப்படுகிறது.□

3.According to the writ petitioner, the land in T.S.No.122, Madakulam Village, Madurai is a private road in exclusive use of his family members. However, in the revenue records, it is wrongly entered as public pathway. Based on the wrong entry, the impugned order of execution was issued to evict the portion in occupation by encroachment.

4.When the above writ petition was taken up for consideration, the writ petitioner had represented to the Court that he will be satisfied, if his representation dated 19.09.2024 is directed to be considered within the time prescribed. Recording the above submission, the Division Bench of this Court vide order dated 06.01.2025 disposed the writ petition with the following observations:



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“6.In the light of the submission made by the learned counsel for the petitioner, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 19.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the fourth respondent herein, as well as all other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.”

5.Claiming that his representation dated 19.09.2024 seeking to remove the entry was not considered within three months, despite direction in W.P.(MD)No.31406 of 2024, the instant contempt petition is filed as against the Commissioner of Madurai Corporation.

6.When the contempt petition taken up for hearing on 23.01.2026, the learned Standing Counsel for the Madurai Corporation produced a letter of the Assistant Commissioner, Madurai Corporation addressed to the writ petitioner informing that his undated representation stands rejected.



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7.In this letter, we found that the said letter was very cryptic without any date and particulars regarding the enquiry conducted on the representation of the writ petitioner. Hence, we directed the Commissioner, Madurai corporation / contemnor to appear in person before this Court and explain. Accordingly, the contemnor appeared in person on 06.02.2026 along with the file and produced it for perusal.

8.On perusal of the file relating to the representation of the writ petitioner, we find that the enquiry on the representation was conducted by the officials of the Madurai Corporation on 27.02.2025. The writ petitioner had appeared and submitted his case. Further, he had taken one day time to produce the documents in support of his representation. Thereafter, no enquiry was conducted.

9.However, in that file, we also found on 24.10.2025, the Revenue Divisional Officer had written to the Commissioner, Madurai Corporation stating that revenue records indicate that the land in R.S.No. 170/18A, 397/5A measuring 0.0070.0 is classified as Sarkar Purambokku



street-Commissioner, Madurai Corporation. However, the writ petitioner claims it as the land purchased by his ancestor under the sale document No.3450/1906 and partition deed in Doc.No.2898/2015 and seeks for cancellation of entry as 'corporation street' and to issue patta in his favour. Hence, if the Commissioner has any objection to consider the request of the writ petitioner, the same may be intimated. In response to this letter, the Commissioner vide communication dated 02.12.2025, had submitted his objections for transfer of patta in the name of the writ petitioner, since it is a public street/lane.

10.Today, the learned Additional Advocate General submitted that on 03.02.2026, the Commissioner has considered the representation of the writ petitioner and rejected the same stating that the land in dispute belongs to the Corporation and is used by the public as pathway and hence, the Corporation has strong objection to issue patta for the said land in favour of the writ petitioner. It is also informed to the writ petitioner that transfer of patta and mutation of SLR is within the domain of the revenue department and not within the purview of the contemnor/Commissioner.



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11.The above said rejection order was despatched to the writ petitioner only on 05.02.2026, just a day before the date on which we have directed the contemnor to be present before this Court and produce the file vide order dated 23.01.2026.

12.We are of the considered view that change in the revenue record has to be done by the Revenue Department after hearing the rival claimants. In the subject writ petition, though the Tahsildar is the third respondent, the representation of the writ petitioner dated 19.09.2024 was directed to be considered by the first respondent (i.e.,) the Commissioner of Madurai Corporation. No doubt, from the Revenue Department, the Revenue Divisional Officer, Thirumangalam has initiated enquiry on the representation of the writ petitioner calling for any objection from the Corporation for change of patta in favour of the writ petitioner. To this notice, the Corporation has also replied saying that they have objection for change of patta, since it is a public street. Nevertheless, no order so far has been passed by the Thasildar.



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13.If at all any relief to be granted on the representation for change of patta, the competent authority is the officials in the Revenue Department and not the Commissioner of the Madurai Corporation. Thus, we find that the contempt petition is misdirected. It is the Revenue Department, which has to finally take a decision on the representation of the writ petitioner, dated 19.09.2024.

14.As a result, though we find lapse in implementing the direction of this Court within the time prescribed, we drop further action against the contemnor. Accordingly, the contempt petition stands closed.

[G.J., J.] & [K.K.R.K., J.]
17.02.2026

Index :Yes/No

Internet :Yes

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To

Commissioner
Madurai Corporation
Madurai.



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DR.G. JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

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