

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contp. No. No.782 of 2015

M.Shanthi

.. Petitioner

Vs.

1.Mr.S.Prabhakar, I.A.S.,
District Collector
Erode District, Erode.

2.Mrs.Annapoorani
Tahsildar
Erode Taluk, Erode
Erode District.

.. Respondents

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for their wilfull disobedience and non-compliance of the orders of this Court made in W.P.No.3744 of 2015 dated 13.02.2015.

For Petitioner :Mr.C.Prakasam

For Respondents : Mr.Z.Arockiasamy
Government Advocate

O R D E R

Heard the learned counsel for the parties.

2.This Contempt Petition has been filed alleging

<https://hcservices.ecourts.gov.in/hcservices/> wilfull disobedience of the order and direction issued by

this Court dated 13.02.2014 made in W.P.No.3744 of 2015.

3.The Writ Petition was filed for a direction to the respondents 2 & 3 to permit the petitioners to put up huts/construct the house in R.S.No.732, Thuyampoondurai Village, Erode Taluk and District as per free house site patta issued by the second respondent. The said Writ Petition was disposed of with the following observations:

"3.....However, it would be suffice to observe that as long as the assignment of patta granted in favour of the petitioners has not been cancelled or revoked, the petitioners are entitled to enjoy the property in terms of the patta granted. However, if the patta has already been cancelled or revoked, then the benefit of the above observation will not be available to the petitioners.

4.With the above observation, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed."

4.The learned counsel for the petitioner submitted that the respondents have prevented the petitioner from entering into the property for putting up construction.

5. Based on this ground alone action for contempt cannot be initiated, since no positive direction has been

issued in the Writ Petition. However, considering the facts and circumstances of the case, the second respondent is directed to consider the representation submitted by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

The Contempt Petition is closed with the above direction. No costs.

rpa

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

KMV/07/05/2015

To

1. Mr. S. Prabhakar, I.A.S.,
District Collector
Erode District, Erode.

2. Mrs. Annapoorani
Tahsildar
Erode Taluk, Erode
Erode District.