

IN THE HIGH COURT OF JUDICATURE AT MADRAS

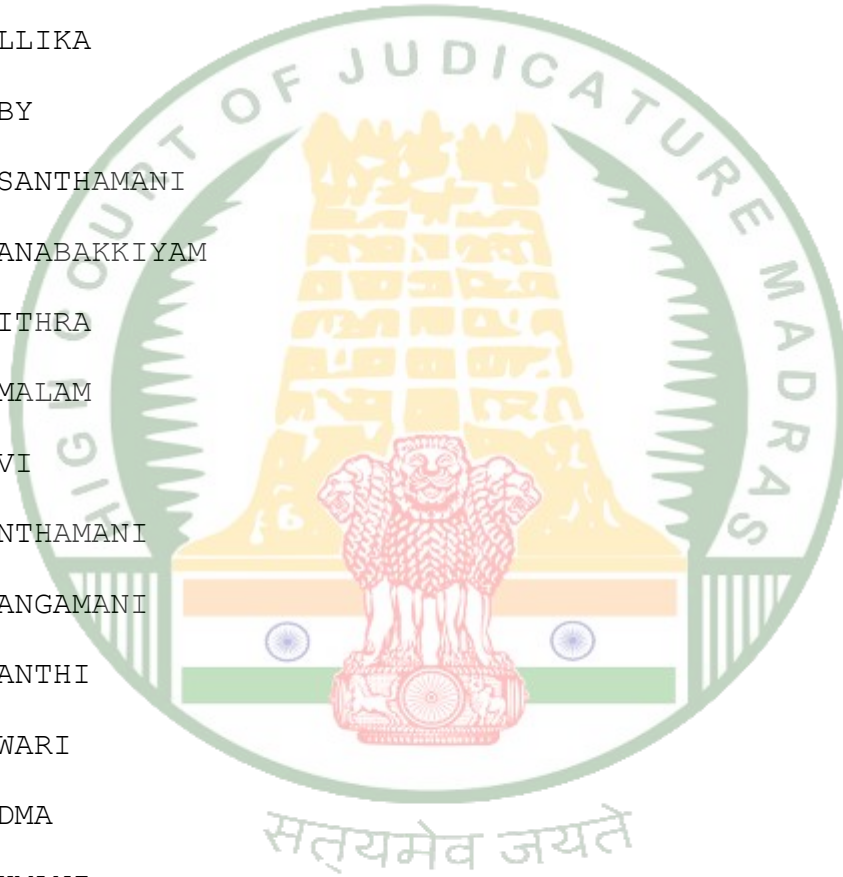
DATED 28.04.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contp. No. No.835 of 2015

- 1 MALLIKA
- 2 BABY
- 3 VASANTHAMANI
- 4 DHANABAKKIYAM
- 5 CHITHRA
- 6 KAMALAM
- 7 DEVI
- 8 SANTHAMANI
- 9 THANGAMANI
- 10 SHANTHI
- 11 ESWARI
- 12 PADMA
- 13 RUKMANI
- 14 SARATHAMANI
- 15 DEVI
- 16 KALPANA
- 17 MUTHULAKSHMI
- 18 KALAMANI
- 19 RATHINAMMAL
- 20 SAMATHAL
- 21 KARUNAYAMMAL



WEB COPY

22 GANDHIMATHI

23 PUSHPA

24 SIVAGAMI

25 RUKKUMANI

26 ANNAKKODI

27 MANIYAL

28 BALAMANI

29 PERIYANAYAGI

30 JOTHIMANI

31 POOMA

[PETITIONERS]

Vs

1 GOVINDARAJ
COLLECTOR
TIRUPPUR DISTRICT, TIRUPPUR.

[RESPONDENT]

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for the wilful disobedience of the orders of this Court in W.P.No.7640 of 2009 dated 03.11.2011.

For Petitioners :Mr.S.Duraisamy

For Respondent : Mr.I.Arockiasamy
Govt. Advocate

O R D E R

This Contempt Petition has been filed alleging wilful disobedience of the order and direction issued by this Court dated 03.11.2011 in W.P.No.7640 of 2009. The said writ petition along with two other writ petitions were

disposed of by a common order and the operative portion of the order reads as follows:

"8. In view of the above, the writ petitions are allowed and the impugned orders are set aside and it is left open to the respondents to initiate fresh action, if they deem fit to do so and prior to taking any such action, the first respondent shall nominate an officer to conduct a spot inspection, after due notice to the allottees, by way of local publication by tom tom and on receipt of such inspection report, the first respondent shall issue individual show cause notice to such of those assignees as regards the violation of the terms and conditions of assignment and after affording an opportunity to such assignees, the first respondent shall pass appropriate orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed."

The petitioners have come forward with this Contempt Petition stating that the direction issued by this Court has not been complied with.

2. The learned Government Advocate submits that the respondent District Collector has filed a counter affidavit, in an identical case in Contempt Petition No.

the case on hand also. On a perusal of the said Counter affidavit, this Court is surprised to find that only 19 persons out of 440 persons who have received patta were residing in the sites and the 419 patta sites remained vacant without even putting any constructions. It is further stated in the counter affidavit that notice was published in the locality by tom-tom and Officers have inspected the site and ultimately the District Collector passed an order on 12.08.2014, to cancel the pattas granted.

3.The learned counsel for the petitioners submitted that the petitioners are poor villagers and no prior notice was given as alleged by the respondent in the counter affidavit and that they have violated the order and directions issued by this Court.

4.The specific stand of the respondent is that the petitioners and other persons received patta had violated the vital conditions of grant of patta and they are residing in the house site for more than 14 years. The respondent has also specifically stated that notice was published by way of tom-tom and only 19 persons were available. However, the grounds raised by the petitioners has to be canvassed by challenging the proceedings dated 12.08.2014.

5. In the light of the factual scenario as presented in the counter affidavit in respect of the similar case, the learned Government Advocate is directed to furnish a certified true copy of the order dated 12.08.2014 to the learned counsel appearing for the petitioners, within a period of two weeks, so as to enable the petitioners to challenge the same in the manner known to law, if they are so advised.

Accordingly, the Contempt Petition shall stand closed.

rpa

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

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

SS/CO/30/04/2015

To

GOVINDARAJ
COLLECTOR
TIRUPPUR DISTRICT, TIRUPPUR.