

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Contempt Petition No.2171 of 2013

in

W.P.No.28725 of 2010

S. Palanivel

... Petitioner

Vs.

1. Mr. Ajay Yadav

The Revenue Divisional Officer
Namakkal.

2. Mr. Ayyavu

The Tahsildar
Rasipuram Taluk
Namakkal District

... Respondents

PRAYER: Contempt Petition filed under Section 11 of Contempt of Courts Act, pleaded to punish the respondents for willfully disobeying the orders of this Hon'ble Court passed in W.P.No. 28725 of 2010, dated 19.01.2011.

For Petitioner : Mr. N. Nithiyanandam

For Respondents : Mr. I. Arokiasamy, GA

ORDER

This Contempt Petition has been filed by the petitioner against the respondents for non-compliance of

the order in W.P. No. 28725 of 2010 dated 19.01.2011.

2. When the matter was taken up, Mr. I. Arokiasamy, learned Government Advocate appearing for the respondents submitted that the order passed by this Court directing the Tahsildar, Rasipuram Taluk, the second respondent herein, to consider the petitioner's representation dated 04.11.2010 has been complied with, by the second respondent vide his proceedings dated 04.12.2013.

3. However, learned counsel appearing for the writ petitioner submitted during the last hearing that though the petitioner had obtained a decree in O.S. No. 507/1966 on 13.07.1972, which also came to be confirmed by the First Appellate Court in A.S. No. 234 of 1972 dated 05.02.1974, the second respondent ignoring the judgment of the civil court ought not to have rejected the request of the petitioner for issuing patta.

4. This Court finds no merit in the said submission for the reason that the petitioner has filed the suit for bare injunction. When he has not obtained a decree for declaration of his title, it is always open to

the Tahsildar to consider the request of the petitioner on the basis of available records.

5. In the present case, since the Tahsildar had already considered the case of the petitioner, this Court does not find any merits in the Contempt Petition and therefore the same is dismissed.

avr

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SM/CO/10/03/2015

One CC to Government Pleader, SR.1904

One CC to Mr.K.Rajasekaran, Advocate, SR.2693

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