

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cont.P.No.2735 of 2015

Tmt.Muniammal

... petitioner

Versus

Mr.M.Boominathan, M.A.,
Tahsildar,
Gingee, Villupuram District.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts act to issue a notice of contempt against the respondent for disobeying the order of this Court dated 01.06.2015 and made in W.p.No.14122 of 2015 and punish him there under.

For petitioner : Mr.V.Bhiman

For Respondent : Mrs.P.Kavitha,
Government Advocate.

ORDER

The present Contempt Petition is taken up alleging the non compliance of the order dated 01.06.2015 made in W.p.No.14122 of 2015.

2. The learned counsel appearing for the petitioner would submit that in violation of the order, enquiry has been conducted behind the back of the petitioner and without looking into concerned documents, the Tahsildar, Gingee, vide proceedings dated 18.01.2016, has indicated that the petitioner is entitled to grant separate patta in respect of 00375 sq. mt. of land in new Survey No.411/10 at

Melmalaiyanur Village, Gingee Taluk, Villupuram District and further indicated in the said proceedings that in respect of balance extent of the land, it is in occupation of the general public and prays for appropriate orders.

3. Per contra, the learned Government Advocate would submit that based on the exparte order made in O.S.No.141 of 2005 on the file of Court of Principal District Court, Gingee and A.Nos.558 and 559 of 2015 have been taken up to condone the delay in filing application to set aside the exparte decree and the said applications are pending adjudication and would further add that after due and proper enquiry only, the Tahsildar has passed the above said proceedings and it also indicate in the said order that if the petitioner is aggrieved by the same, he shall file an application within a period of 30 days before the Sub Collector, Dindivanam and he can workout his remedy.

4. This Court, after considering the rival submissions, is of the view that without prejudice to the rights and contentions of the petitioner, a separate patta can be given in respect of 00375 sq. mt. of land in new Survey No.411/10 at Melmalaiyanur Village, Gingee Taluk, Villupuram District and further liberty to file an appeal before the Sub Collector, Dindivanam in the light of the proceedings dated 18.01.2016.

5. Accordingly, this Court directs the Tahsildar, Gingee to grant separate patta in respect of 00375 sq. mt. of land in new Survey No.411/10 at Melmalaiyanur Village, Gingee Taluk, Villupuram District and the petitioner is at liberty to file an appeal before the Sub Collector, Dindivanam, within a period of 15 days from the date of receipt of a copy of this order and if the papers are otherwise in order, the Sub Collector, Dindivanam shall entertain the appeal without putting the issue of limitation and dispose of the same, in accordance with law after putting on notice, the persons concerned within a further period of one month thereafter and communicate the decision taken to the petitioner.

This Contempt Petition is closed subject to the above observation.

vsm

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

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

RLD/CO/22/03/2016

One CC to Government Pleader, SR.2090

One CC to Mr.V.Bhiman, Advocate, SR.2075

To

1. The Tahsildar,
Gingee,
Villupuram District.