

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.4.2016

CORAM:

THE HONOURABLE MR. JUSTICE **SATISH K.AGNIHOTRI**

and

THE HONOURABLE MR. JUSTICE **K.K.SASIDHARAN**

Contempt Petition No.1209 of 2016

MANIRATHINEM, M.D.,
M/s.Navasakthi Townships Developers (P) Ltd.,
Cuddalore ... petitioner

versus

- 1 S. RAJAMANIKKAM
THE DEPUTY COLLECTOR
REVENUE SOUTH
OFFICE OF THE DEPUTY COLLECTOR
VILLIANUR PONDICHERRY
- 2 S SAKTHIVEL
THE DISTRICT REGISTRAR REGISTRATION DEPT
PONDICHERRY
- 3 G MUNUSAMY
THE SUB REGISTRAR REGISTRATION DEPT BAHOUR
PONDICHERRY ... respondents

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for wilfully disobeying the orders of the court dated 30 October 2015 in W.A.No.302 of 2015.

For petitioner	Mr.R.Thiagarajan for Mr.T.Ramesh
For respondents	Mr.M.Govindaraj, Government Pleader, Puducherry

O R D E R

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has come up with this contempt petition

alleging that the respondents have disobeyed the judgment

of this Court dated 30 October 2015 in W.A.No.302 of 2015 and as such, they are liable to be punished under the provisions of the Contempt of Courts Act.

2. Heard the learned counsel for the petitioner.

3. The petitioner purchased the land in Pillayarkuppam Revenue Village, Pondicherry, from M/s.Pondicherry Paper Mills. The land was originally allotted to Pondicherry Paper Mills Ltd., after acquiring from the landowners by invoking the provisions of the Land Acquisition Act, 1894. Since the land was assigned by the allottee, in violation of Section 44(a) of the Land Acquisition Act, 1894, the first respondent passed an order dated 23 September 2014, calling upon the District Registrar, Puducherry, to freeze the guideline rate. The said order was challenged before the writ court in W.P.No.27616 of 2014. The learned Single Judge allowed the Writ Petition and quashed the order passed by the first respondent. The said order was unsuccessfully challenged before us in W.A.No.302 of 2015.

4. It is found from the typed set of papers that subsequent to the judgment in W.A.No.302 of 2015, the first respondent filed a petition before the District Registrar, Puducherry, to cancel the Sale Deed No.4065 of 2009 and the power of attorney registered as Document No.7/2010. The

District Registrar, Puducherry, passed an order on 11 March 2016, DRP 4/2016, cancelling those two documents.

5. The petitioner has come up with this contempt petition alleging that the act of passing order dated 11 March 2016 by the District Registrar was in violation of the judgment in W.A.No.302 of 2015. According to the petitioner, the first respondent was instrumental in passing the order by the District Registrar and as such, he acted in total disobedience of the judgment passed by this Court.

6. There is no dispute that the order passed by the first respondent was set aside by the writ court. The order was upheld by the Division Bench. The order now passed by the District Registrar has nothing to do with the earlier proceedings that culminated in passing the judgment in W.A.No.302 of 2015. In fact, the petitioner has already challenged the order dated 11 March 2016 passed by the District Registrar before the writ court in W.P.Nos.11736 and 11737 of 2016 and obtained an interim order on 30 March 2016. It is for the writ court to test the legality and correctness of the order passed by the District Registrar.

7. This Court while confirming the order passed by the

learned Single Judge, perused the file and observed that

even though the then Additional Secretary (Revenue) cum Collector has taken a right decision vide his note dated 17 October 2009, to place the matter before the Council of Ministers to take action to resume the land early, there was no follow up action by the Government of Puducherry and that the officials like the then Collector or first respondent were not responsible for the delay in resuming the land. The findings given in paragraph 29 of the judgment in W.A.No.302 of 2015 reads thus:

29. There is no dispute that the office of the District Collector made a proposal in the year 2009 for resumption of land. The then Additional Secretary (Revenue) cum Collector has taken a right decision vide his note dated 17 October 2009 to place the matter before the Cabinet. Even thereafter the then Additional Secretary (Revenue) and other officers have passed several orders to protect the interest of the Government by directing the registration department not to register further transactions in respect of the land in question and the planning authority not to approve any housing scheme or any other scheme on

the said land. Though officers like the then Collector have performed their part in a responsible manner, as indicated above, policy decision was not taken by the Council of Ministers to resume the land with the approval of Administrator. Such being the factual position, the question is whether timely action taken by the then Additional Secretary (Revenue) cum Collector and the concerned officers in the Revenue Department for resumption of land by making file notings would amount to an order passed by the Government of Pondicherry resuming the land from the Company.

8. Even without an order of resumption by the Government, the first respondent passed an order to freeze the guideline value of the land in question. It was only under such circumstances, the order was quashed by this Court. However, there was no findings given by this Court to the effect that the Government is not entitled to resume the land in the manner known to law. The petitioner is therefore not correct in his contention that the

2015 by taking action to cancel the documents. The transactions referred to by the petitioner are all subsequent transactions, and it has nothing to do with the findings recorded in W.A.No.302 of 2015.

9. The respondents have not committed any act of contempt so as to initiate proceedings against them by invoking the provisions of the Contempt of Courts Act. We therefore do not find any merit in the contempt petition.

10. In the upshot, we dismiss the contempt petition.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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सत्यमेव जयते

CO/20/09/2016

One CC to M/s.T.Ramesh, Advocate, SR.5759/2016

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