

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM:

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.2205 of 2016

M.George

... Petitioner

Vs.

1.Tmt.R.Alagumeena,
The District Collector,
Chennai District, Singaravelar Maligai,
Chennai – 600 001.

2.Mr.Kalaimannan,
The Tahsildar,
Ayanavaram Taluk (then Purasawalkam – Perambur Taluk),
Ayanavaram,
Chennai – 600 023.

3.Mr.Kumar,
Assistant Director of Survey,
District Collectorate, Singaravelar Maligai,
Chennai – 600 001.

... Respondents

Prayer :

Contempt petition filed under Section 11 of Contempt of Courts Act, praying to initiate Contempt proceedings against the respondents Nos.1 to 3 herein for the willful disobedience of the Order dated 01.06.2016 passed by this Hon'ble High Court made in W.P.No.17069/2016.

For Petitioner : Mr.R.Arvind
For Respondents : Mr.I.Arokiasamy
Government Advocate

ORDER

This contempt petition is filed alleging wilful disobedience of the order dated 01.06.2016 and made in W.P.No.17069 of 2016.

2.The learned counsel appearing for the petitioner would submit that despite, positive report of the Tahsildar dated 06.12.2013, which has been ordered to be considered by the respondent, she has called for fresh report from the very same Official and erroneously, concluded that the claim, in respect of the land in question, admeasuring to an extent of 120 sq.ft. comprised in T.S.No.20, Block 37 of Kolathur Village belongs to Chennai Corporation as 'Pusthuthi Pathai'. The said findings are in utter violation of the order dated 28.11.2012, passed in W.P.No.27580 of 2012 (Division Bench) as well as the order dated 01.06.2016 passed in W.P.No.17069 of 2016, by this Court.

3.Per contra, Mr.I.Arokiasamy, learned Government Advocate who accepts notice on behalf of the respondents would submit that for arriving at the conclusion, the first respondent has recorded reasons

and the remedy open to the petitioner, if any, is to challenge the said order.

4.This Court has considered the rival submissions.

5.It is the vehement submission of the learned counsel appearing for the petitioner that in the light of the earlier report of the very same Tahsildar dated 06.12.2013, there is no necessity to call for the report. However, the first respondent taking into consideration the fact that he is residing in the said property in the year 2016, has called for the fresh report, based on which, arrived at the conclusion and also recorded the reasons in the order.

6.This Court without going into the merits of the claim projected by the petitioner, permits the petitioner to challenge the said order, in accordance with law, before the competent forum. This Contempt Petition is closed subject to the above observation. Consequently, the connected sub application is also closed.

02.09.2016

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Index: Yes/No Internet: Yes/ No

M.SATHYANARAYANAN,J.

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