

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 05.04.2016

Date of verdict: 12.04.2016

CORAM

THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Contempt Petition No.3 of 2016

K.Udayakumari

... Petitioner

vs.

S.Sathish,
The Tahsildar,
Valparai Taluk,
Valparai.

... Respondent

Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent under the provisions of Contempt of Court Act for wilful disobedience of the order of this Court dated 14.5.2015 made in W.P.No.14703 of 2015.

For Petitioner :

Ms.S.Geetha

For Respondent :

Mr.N.Roofus Abraham
Govt. Advocate.

ORDER

This Court, by an order dated 14.5.2015 in W.P.No.14703 of 2015, directed the respondent herein to consider the representations of the petitioner dated 19.7.2015 and 4.5.2015 and after issuing notice to the respondents 6 to 12 therein and after conducting enquiry,

pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of that order. Since the said order has not been complied with by the respondent herein, the petitioner has come up with the present contempt petition.

2. When the matter was taken up for consideration, learned Government Advocate submitted that the order of this Court has been duly complied with and he has also produced a copy of the order dated 16.7.2015 passed by the respondent. However, learned counsel appearing for the petitioner submitted that this Court has specifically directed the respondent to pass an order after issuing notice to the petitioner and after conducting an enquiry. But, without issuing any notice to the petitioner and without conducting any enquiry, the respondent has passed the order, rejecting the request of the petitioner. Hence, there is wilful disobedience on the part of the respondent in complying with the order of this Court.

3. In this regard, the respondent has filed a counter affidavit, wherein it has been stated that in compliance of the order of this Court, the respondent issued notice on 17.6.2015 to the parties and the petitioner as well as respondents 6 to 8 were present on 24.6.2015 and respondents 9 to 12 were not present. The petitioner and the respondents 6 to 8 filed their written

statements. The petitioner filed one sale deed, death certificate and legal heirship certificate and the respondents 6 to 8 have filed a patta issued by the Deputy Tahsildar, Valparai. The petitioner has not produced any document in her favour entitling to joint patta. But, the respondents 6 to 8 produced patta dated 29.12.1975 standing in their favour and they have objected to issue joint patta in favour of the petitioner. Thereafter, the request of the petitioner to issue a joint patta in respect of S.F.No.2A and 10A was considered on merits and the respondent passed orders on 16.7.2015.

4. On a perusal of the counter affidavit filed by the respondent, absolutely, I do not find any disobedience on the part of the respondent. Therefore, I find no merits in the contempt petition and hence, the contempt petition stands closed. However, the petitioner is at liberty to challenge the order of the respondent dated 16.7.2015, in a manner known to law, if she is so advised.

sbi

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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