



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 02.12.2016

Coram

THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN****CONT. Petition (MD)No.1369 of 2016**

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P.SIVAKUMAR

. . .

Petitioner

-Vs-

TMT.S.SORUBARANI

THE TAHSILDAR,

TALUK OFFICE, THENI.

. . .

Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent herein for wilfully failing to comply with the order dated 27.07.2016 in WP(MD)No.13201 of 2016 the file of the Honourable Court.

Prayer in WP(MD). 13201/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent herein to conduct survey and measurement of the petitioners house site measuring 353.1/8 sq.t., comprised in S.No.36/2A situated in Veerapandi Village, Palanichettipatti, Periyakulam Taluk, Theni District, as per the registered sale deed dated 5.10.1978 vide Doc.No.2652/1978 on the file of Sub Registrar, Theni, within a reasonable time.

For petitioner

: Mr. K.Appadurai

For respondents

: Mr. V. Muruganandam

Additional Government Pleader

**ORDER**

According to the petitioner, earlier, he filed a writ petition seeking a direction, directing the respondent herein to conduct survey and measurement of his house site measuring 353.1/8 sq.t. comprised in S.No.36/2A situated in Veerapandi Village, Palanichettipatti, Periyakulam Taluk, Theni District, as per the registered sale deed dated 5.10.1978 vide Doc.No.2652/1978 on the file of Sub Registrar, Theni. This Court by an order dated 27.07.2016, directed the respondent to consider the representation of the petitioner and pass orders, after giving an opportunity to the petitioner. Since no order has been passed, the present contempt petition has been filed.

2.The learned Government Advocate submitted that already the Tahsildar has passed an order, dated 03.11.2016 and produced a copy of the said order.



3.A perusal of the order passed by the respondent, it is seen that without conducting any enquiry, based on the report submitted by the Surveyor, the respondent/Tahsildar, has stated that the land is classified as 'pathway' and no patta has been granted in favour of the petitioner.

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4.In the above circumstances, this court is of the view that the Tahsildar has not followed the direction issued by this Court, dated 27.07.2016 made in WP(MD)No.13201 of 2016.

5.In view of the same, the respondent/Tahsildar, Theni is directed to conduct a fresh enquiry, after issuing notice to the petitioner and pass suitable orders, as per law, by giving an opportunity to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, the contempt petition is closed.

Sd/-

Assistant Registrar(Crl Side)

/True Copy/

Sub Assistant Registrar.

To

TMT.S.SORUBARANI  
THE TAHSILDAR,  
TALUK OFFICE, THENI.

+1 cc to M/s.K.Appadurai, Advocate in SR.No.78681  
+1 cc to The Special Government Pleader in SR.No.79539

VS

CSL/CK/05.01.2017 : 2P/4C

**CONT.P. (MD) NO.1369 of 2016**  
**02.12.2016**