



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Order reserved on : 24 .11.2016

Order pronounced on: 28.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Pre-delivery order made

in

Cont.P.(MD).No.1443 of 2016

in

W.P.(MD).No.7766 of 2015

V.Ravikumar

... Petitioner

Vs.

1.S.Ganesh,

District Collector,
Pudukkottai District.

2.M.Vadivel Prabhu,

Revenue Divisional Officer,
Illuppur, Pudukkottai District.

3.S.Kanna Karuppiyah

Tahsildar,
Ponnamaravathy & Taluk,
Pudukkottai District.

4.Kathikaisamy

Inspector of Police,
Ponnamaravathy Police Station,
Ponnamaravathy & Taluk,
Pudukkottai District.

5.M.S.Ganesan

Executive Officer,
Town Panchayat,
Ponnamaravathy & Taluk,
Pudukkottai District.

... Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents 3 and 5 herein by imposing fine and imprisonment and also pass an order so as to purge the contempt by directing the survey measurement of Sy.Nos.841/3, 841/4, 842/1 as directed by this Court in W.P(MD). No.7766 of 2015, dated 04.06.2015.

For Petitioner

: Mr.D.Parisuthanathan

For Respondents

: Mr.M.Rajarajan

Govt. Advocate for R-5

Mr.K.P.Krishnadoss

Govt. Advocate for RR-1 to 4

ORDER

Alleging that the respondents have wilfully disobeyed the orders passed by this Court in W.P.(MD).No.7766 of 2015, dated 04.06.2015, the present contempt petition has been filed.

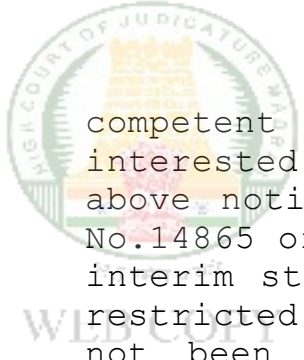
2. According to the petitioner, the petitioner is the absolute owner of the property in Natham Sy.Nos. 841/5, 841/6, 841/7, 841/8, 841/13, 842/2, 846/1, 846/2 at Ponnamaravathy Town Panchayat, Pudukkottai District. He purchased the same through a registered sale deed dated 20.10.2011. Subsequently, he filed an application to survey three survey numbers I.e 841/3, 841/4, 842/1. Since no order has been passed in the above application, he filed a writ petition in W.P.(MD).No.7766 of 2015 before this Court. This Court, by an order dated 04.06.2015, issued a direction to the respondents to survey the above properties in Sy.Nos. 841/3, 841/4, 842/1, in the presence of the petitioner as well as other parties. Pursuant to the above order, the third respondent sent a letter to the petitioner and other parties, dated 27.07.2015, asking them to appear for surveying the property. But, on that day, the fifth respondent did not appear. Subsequently, the third respondent issued another notice on 10.08.2015 directing the parties to appear for enquiry on 18.08.2015. In the mean time, challenging the notice issued by the third respondent, the fifth respondent filed a writ petition in W.P.(MD).No.14865 of 2015 before this Court and this Court, by an order dated 18.08.2015 has also granted an order of interim stay of the notice for a period of two weeks, which was also not extended subsequently. Hence, there is no order of stay, as on today. Despite the several representations made by the petitioner, the respondents did not measure the property and willfully disobeyed the orders passed by this Court. Hence, the petitioner filed the present contempt petition.

3. The learned counsel for the petitioner further submitted that earlier, the petitioner filed a contempt petition in Cont.P. (MD).No.1682 of 2015, before this Court and this Court, without hearing the petitioner, considering the interim stay granted by this Court in WP.(MD).No.14865 of 2015, closed the contempt petition by an order dated 27.07.2016. Subsequently, the petitioner filed a petition to review the above order in Rev.Appln (MD).SR.34155 of 2016 and this Court, by an order dated 23.09.2016, permitted the petitioner to withdraw the above review petition with liberty to file a fresh contempt petition. Hence, the present contempt petition has been filed.

4. Heard the learned counsel for the petitioner and learned Government Advocate appearing for the respondents and perused the material documents carefully

<https://hcservices.ecourts.gov.in/hcservices/>

5. Admittedly, after the orders passed by this Court, in obedience to the same, the third respondent/Tahsildar, who is the



competent authority, issued notice to the petitioner and other interested persons for conducting survey of the property. But the above notice has been challenged before this Court in W.P.(MD). No.14865 of 2015 and notice has been ordered to the respondent and interim stay was also granted. Even though the interim stay was restricted for a period of two weeks and so far, interim stay has not been extended, according to the learned counsel for the respondents, in view of the pendency of the writ petition, the respondents are not in a position to measure the property. Since the third respondent had already taken steps to measure the property and issued notice to the parties, only because of the pendency of the writ petition, they are not able to proceed further. Hence, even though the interim stay was not extended, still the writ petition is pending, wherein all the respondents are parties.

6. In view of the above circumstances, the act of the respondents cannot be considered as wilful disobedience of the orders passed by this Court and it is only due to pendency of the writ petition, they have not proceeded further to measure the property and the respondents did not commit any contempt. Hence, this contempt petition is liable to be dismissed. Accordingly, the same is dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. S. Ganesh,
District Collector,
Pudukkottai District.
2. M. Vadivel Prabhu,
Revenue Divisional Officer,
Illuppur, Pudukkottai District.
3. S. Kanna Karuppiyah
Tahsildar,
Ponnamaravathy & Taluk,
Pudukkottai District.
4. Kathikaisamy
Inspector of Police,
Ponnamaravathy Police Station,
Ponnamaravathy & Taluk,
Pudukkottai District.



5.M.S.Ganesan
Executive Officer,
Town Panchayat,
Ponnamaravathy & Taluk,
Pudukkottai District.

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+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.73723

+2cc to Mr.D.Parisuthanathan, Advocate Sr.No.73150

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vs

rum/pv/23.12.2016/4p/9c