

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.10.2017

Coram

THE HONOURABLE MR.JUSTICE **P.N.PRAKASH**

Contempt Petition No.1321 of 2017

S.Swaminathan

... Petitioner

Versus

C.Vijay Babu  
formerly The Revenue Divisional Officer,  
now Personal Assistant to  
Collector of Salem,  
Collectorate,  
Salem.

... Respondent

**Prayer:** Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent herein for having disobeyed the orders of this Court made in Crl.O.P.No.21481 of 2016 dated 17.10.2016.

For Petitioner : Mr.R.Krishnamoorthy, Senior Counsel  
for Mr.K.R.Tamizh Mani

For Respondent : Mr.C.Emalias  
State Public Prosecutor

**ORDER**

This petition has been filed to punish the respondent herein for having disobeyed the orders of this Court made in Crl.O.P.No.21481 of 2016 dated 17.10.2016.

2. Heard Mr.R.Krishnamoorthy, learned Senior Counsel for Mr.K.R. Tamizhmani, learned counsel appearing for the

State Public Prosecutor appearing for the respondent.

3. It is the case of Mr.S.Swaminathan/the petitioner herein that he is the owner of 2.33 acres in Survey No.145/1 vide patta No.992 and he is the Managing Trustee of Swaminathan Saraswathy Educational Trust, which runs a school in the name of Swamy Matriculation and Higher Secondary School and that the land in Survey No.145/1 was earmarked for sports activities of the School and that the local Adi Dravida people are causing hindrance to the students of the school, when they are using the aforesaid playground. Therefore, S.Swaminathan, filed in CrI.O.P.No.21481 of 2016, seeking police protection for construction of compound wall in Survey No.145/1 and this Court passed the following order on 17.10.2016:

*"It is the case of the petitioner that he is the Managing Trustee of Swaminathan Saraswathi Education Trust, which runs Swamy Matriculation and Higher Secondary School. The school owns 5 acres of land in Masinayakampatti, Salem District, of which, 2.33 acres in Survey No.145/1 vide patta No.992 has been earmarked for sports activities. It is the further case of the petitioner that the Special Tahsildar, Adi Dravida Welfare, had initiated acquisition proceedings in respect of the said land some time in the year 2008. Now, when the petitioner wants to put up a*

compound wall for the security and safety of the students, some local people are objecting to the same. In this regard, a complaint dated 25.06.2016 was given by the petitioner to the Deputy Commissioner of Police (L & O) and a Peace Committee Meeting was convened by the Special Tahsildar, Adi Dravida Welfare, Vazhappadi. Since the petitioner did not participate in the meeting, the matter has been now referred to the Revenue Divisional Officer, Salem.

4. Under such circumstances, the Revenue Divisional Officer, Salem, is directed to conduct enquiry and if it is found that the petitioner has a valid title to the property without any pending acquisition proceedings, it is needless to state that he is entitled to police protection for putting up compound wall around the property. The Revenue Divisional Officer is directed to complete the enquiry within a period of four weeks and issue appropriate directions to the Superintendent of Police and the Inspector of Police, to provide bandobust to the petitioner for the construction of compound wall.

With the above directions, this Criminal Original Petition stands disposed of."

4. Earlier, Mr.S.Swaminathan/the petitioner herein filed Contempt Petition No.231 of 2017 alleging that the Revenue Divisional Officer, Salem, has not complied with the order dated 17.10.2016. When the Contempt Petition No.231 of 2017, came up for hearing on 06.07.2017, this Court passed the following order:

"The learned counsel for the petitioner submitted that since the order dated 17.10.2016 passed by this Court in CrI.O.P.No.No.21481 of 2016 has been complied with, he may be permitted to withdraw this Contempt Petition."

5. On perusal of the records, it is seen that the Revenue Divisional Officer, Salem, has passed an order dated 08.03.2017, pursuant to the direction issued by this Court in CrI.O.P.No.21481 of 2016.

6. In the order dated 08.03.2017, the Revenue Divisional Officer has stated that the land in Survey No.145/1 belongs to Swaminathan. However, Swaminathan had purchased the land in Survey No.59/1 vide sale deed dated 13.03.1995 registered as Document No.547/1995, on the file of the Sub Registrar, Ayodhipatnam, knowing full well that the said land has been acquired by the Government for distribution to the landless Dalits. He further submitted that during the Peace Meeting that was convened by him, members of Dalit community said that when they approached



Swaminathan and asked him to give up the possession of the land in Survey No.59/1, he had promised them orally that he would give his land in Survey No.145/1 in lieu of the land in Survey No.59/1. After having assured the members of the Dalit community, he seems to have gone back upon his words and on account of that, there is continuous friction between Dalits and Swaminathan. That apart, in the said order, it is stated that since Swaminathan had managed to obtain patta for the land in Survey No.59/1, the same stands cancelled. In the latter portion of the order, the Revenue Divisional Officer has reiterated that the land in Survey No.145/1 belongs to Swaminathan and that he has directed the police to ensure that no untoward incident takes place therein.

7.Mr.R.Krishnamoorthy, learned Senior Counsel appearing on behalf of Mr.R.Tamizh Mani, learned counsel for the petitioner submitted that in the order dated 08.03.2017, the Revenue Divisional Officer, Salem, has considered extraneous factors, which are beyond the scope of the direction issued by this Court in CrI.O.P.No.21481 of 2016. Learned counsel also submitted that this Court should take serious exception to the manner in which the Revenue Divisional Officer has cancelled the patta that was granted to Swaminathan in respect of Survey No.59/1 and haul him up for contempt.

8. However, Mr.C.Emalias, learned State Public Prosecutor refuted the said contention and submitted that pursuant to the direction issued by this Court in CrI.O.P.No.21481 of 2016 dated 17.10.2016, the Revenue Divisional Officer has passed the order dated 18.03.2017, in which, he has clearly given a direction to the police to give full protection to Swaminathan in respect of Survey No.145/1, though in the same order he has referred to other aspects which by itself cannot be a reason for initiating contempt action against him.

9. This Court gave it anxious consideration to the rival submissions.

10. On a reading of the order dated 08.03.2017, it is seen that the Revenue Divisional Officer has discussed the entire facts and circumstances of the case and has cancelled the patta that was granted to Swaminathan in respect of Survey No.59/1 on the ground that Swaminathan had acquired the land knowing full well that the land was under acquisition for distribution to landless Dalits. However, in the same order, the Revenue Divisional Officer has issued direction to the police to give protection to the land in Survey No.145/1, pursuant to which Swaminathan has also built a compound wall.

11. In the considered opinion of this Court, while dealing with a Contempt Petition, this Court cannot test the validity of the order dated 08.03.2017, passed by the

Revenue Divisional Officer, Salem and give any finding either in support of the petitioner or in support of the other side in this regard. If the petitioner is aggrieved by the order dated 08.03.2017, it is open to him to workout his remedy in the manner known to law. Suffice it to say that the Revenue Divisional Officer, Salem, has complied with the order passed by this Court in letter and spirit. Hence, there is no necessity to issue statutory notice under the Contempt of Courts Act. With the above observations, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR (COM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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GSR/CO/27/12/2017

one cc to the Public Prosecutor, SR.No.11927/2017.