

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

CONTEMPT PETITIONER NO.1183 OF 2016

Vanakumari

...Petitioner

VS.

1.Gunaseelan,
The Tahsildar,
Wallajah Taluk,
Vellore District.

2.Narayana Moorthy,
The Head Surveyor,
Wallajah Taluk,
Vellore District.

3. D.Lalitha

...Respondents

(R3 impleaded vide order dated 16.06.2017 made in Sub A No.288 of 2016)

Contempt petition filed under Section 11 of Contempt of Courts Act, 1971, to issue process for wilful violation of order in W.P.No.29753 of 2015 dated 22.09.2015 to the respondents and deal with them in accordance with the law.

For Petitioner	:	Mr.S.V.Vijay Prashanth
For Respondents	:	Mr.K.V.Dhanapalan, Spl.Govt.Pleader for R1 & 2 Mr.A.Rajeshkanna for R3

ORDER

The petitioner earlier filed a writ petition seeking a direction to the respondents to pass appropriate order on the representation dated 28.07.2015. Accordingly, this Court directed the first respondent to do so. Alleging that the said order has not been complied with, the present contempt petition has been filed.

2. Learned Special Government Pleader would submit that when respondents 1 and 2 went to the property in question, there was some objection from the impleaded respondent, who suffered a decree, which has become final in S.A.No.339 of 2013.

3. Learned counsel appearing for the impleaded respondent would submit that a review application has been filed against the judgment and decree rendered in S.A.No.339 of 2013.

4. Learned counsel appearing for the petitioner would submit that the judgment has been rendered as early as 17.11.2014. The review application has been filed thereafter and it is yet to be numbered.

5. In this connection, it is to be noted that the suit <https://hcservices.ecourts.gov.in/hcservices/> itself has been filed by the third respondent herein. That

suit has attained finality. Therefore, as on today, the decree stands. We are only concerned with the measurement of the property and not otherwise. Therefore, the pendency of the review application does not have any bearing on the aforesaid exercise.

6. In such view of the matter, respondents 1 and 2 are directed to measure the property in the presence of both the petitioner and the third respondent, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that the said measurement by itself will not create any right and it is needless to state that it is also subject to the order, if any, to be passed in the review application. By way of abundant caution, this Court makes it further clear that what is ordered is only a measurement of the property and nothing else.

7. With the above observation and direction, the contempt petition stands closed.

सत्यमेव जयते

SD/-

JOINT REGISTRAR(OS) (i/c)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

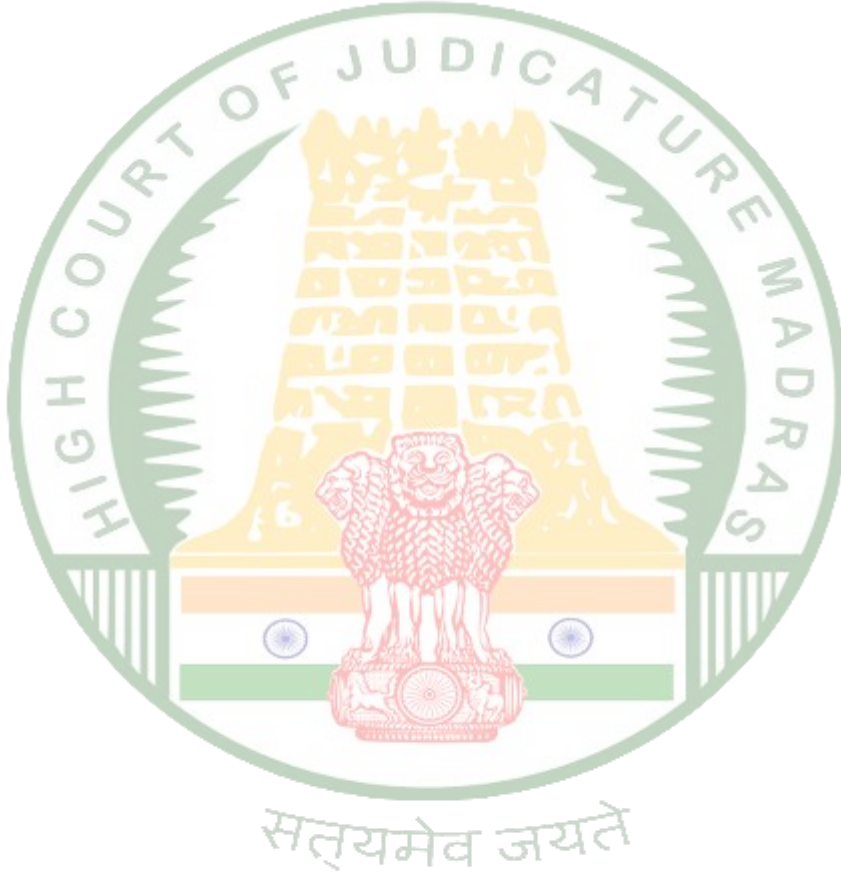
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SS/CO/09/08/2017

To

1.The Tahsildar,
Wallajah Taluk,
Vellore District.

2.The Head Surveyor,
Wallajah Taluk,
Vellore District.



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