

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont p No.245 of 2017 in WP.24479 of 2016

C.Sundaresan

.. Petitioner

Vs.

1. Thiru Ajay Srinivasan,
The District Revenue Officer,
O/o.The District Collector,
Satuvachary, Vellore District.

2. Thiru.Palani,
The Tahsildar,
Vellore - 1,
Vellore District

...Respondents

Contempt Petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willful disobedience of the order passed in W.P.No.24479 of 2016 dated 15.07.2016.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader
for R1

ORDER

Admittedly, the petitioner herein, in pursuant to the decree for specific performance dated 20.04.2011 in

O.S.No.3 of 2011 on the file of Principal District Judge,
<https://hcservices.ecourts.gov.in/hcservices/>

Vellore, Vellore District, got the Sale Deed executed

before the Principal Sessions Court in EP No.71 of 2011 in O.S.No.3 of 2011 dated 30.04.2012 in respect of the land admeasuring to an extent of 0.40.1/2 cents land in Survey No.34/6 ; 0.03.0 cents land in Survey No.34/7 in Pennathur Village, Kaniambadi subdivision, Vellore District. The petitioner also filed an appeal before the Appellate Authority on 29.09.2015, praying for issuance of patta and since the same was not considered, he filed WP.No.24479/2016.

2. This Court vide order dated 15.07.2016 made in WP No.24479 of 2016, directed the Tahsildar, Vellore to act on the communication of the District Revenue Officer, Vellore, dated 05.10.2015 and pass appropriate orders. Despite that, the District Revenue Officer, Vellore District has ordered for grant of joint patta in Survey No.34/6, 34/7 and hence, the petitioner is constrained to approach this Court by filing this Contempt petition.

3. Heard the submission of learned counsel appearing for the petitioner would submit that in the light of the above said Sale Deed executed through Court and because of the pendency of the legal proceedings or in the absence of any order, he is entitled for separate patta.

Pleader appearing for the respondents would submit that the suit for partition in O.S.No.478 of 2008 is pending on the file of District Munsif Court, Vellore and as such, it has been ordered to grant of joint patta.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. The fact remains that the petitioner got the Sale Deed executed through Court confirming an extent of 0.40.1/2 cents land in Survey No.34/6 and 0.03.0 cents land in Survey No.34/7 Pennathur Village, Kaniambadi subdivision, Vellore District and as such, he is entitled for separate patta. The learned counsel for the petitioner on instructions would submit that the separate patta shall also be subject to legal interdict if any.

7. In the light of the facts and circumstances, the District Revenue Officer, Vellore is directed to take cognizance of Sale Deed dated 30.04.2012 executed by the Principal District Judge, Vellore District in EP No.71 of 2011 in O.S.No.3 of 2011 dated 30.04.2012 and grant separate patta in favour of the petitioner and it is also made clear that the grant of separate of separate patta is

8. With the above observations, the contempt petition stands closed.

SD/-
JOINT REGISTRAR(OS) (i/c)
rka

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GSR/CO/31/10/2017

To

1. Thiru Ajay Srinivasan,
The District Revenue Officer,
O/o.The District Collector,
Satuvachary, Vellore District.
2. Thiru.Palani,
The Tahsildar,
Vellore - 1, Vellore District

one cc to M/s.A.Rajeshkanna, Sr.No.10382/17

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