

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont.P.No.384/2017 in WP.No.10222/2015

Jayanthi

Petitioner

Vs.

Mr.Dhamodharan
The Natham Tahsildar
Taluk Office, Sriperumbadur
Kancheepuram District.

Respondent

Contempt Petition filed under section 11 of the
Contempt of Courts Act, 1971, to initiate contempt
proceedings against the respondent for their willful
disobedience of this Court's order dated 09.04.2015 passed
in WP.No.10222/2015.

For Petitioner : Mr.A.Suresh Shakthi
Murugan

For Respondent : Mr.I.Arockiasamy, GA

ORDER

Heard the learned counsel for the petitioner and
Mr.I.Arockiasamy, learned Government Advocate accepting
notice on behalf of the respondent/contemnor.

2

The petitioner has approached this Court by
filing WP.No.10222/2015 for issuance of writ of mandamus,
directing the 2nd respondent therein, viz, Natham Tahsildar,

Taluk Office, Sriperumbudur, Kancheepuram District to issue patta to the petitioner in respect of the property in Survey No.Grama Natham land in SF.No.1738/37 Old No.835/1B/1B/1 admeasuring to an extent of 2146.5 sq.ft situated in Sriperumbudur, utilised by the petitioner as house property for dwelling purpose as occupier.

3 This Court, without going into the merits of the claim, has directed the said official to consider and dispose of the representation dated 09.06.2014 on merits and in accordance with law and shall pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of that order, after putting the concerned person/s on notice and communicate the decision taken, to the petitioner.

4 The petitioner sent a communication dated 04.06.2015 to the respondents in the above writ petition inviting their attention to the said order and it is also followed by a legal notice dated 01.04.2016 to the said respondents and the representation as well as the legal notice were received and acknowledged. The petitioner expressing the grievance that the above order has not been complied with, has approached this Court by filing the present contempt petition.

5 The matter was listed on 01.03.2017 and Mr.T.M.Pappiah, learned Special Government Pleader accepted notice and sought time for reporting compliance and

accordingly, it is listed today.

6 Mr.I.Arockiasamy, learned Government Advocate has produced a communication dated 08.03.2017 received from Thiru K.Damodharan, Tahsildar, Sriperumbudur, addressed to him stating that request made by the petitioner cannot be considered and he was also informed of the same vide Office Reference in RC.No.1295/2013/32 dated 03.03.2017. The said communication is taken on file and recorded.

7 It is to be pointed out at this juncture that the order which is the subject matter of contempt, has been passed as early as on 09.04.2015 and the said order merely directed the Tahsildar, Sriperumbudur, to consider and dispose of the petitioner's representation dated 09.06.2014 on merits and in accordance with law, after putting on notice, the person/s concerned and inform the decision taken to them. The passing of the said order was also brought to the knowledge of all the respondents by the petitioner in the form of representation dated 04.06.2015 and legal notice dated 01.04.2016 and despite, receipt and acknowledgment, the 2nd respondent did not take any action for nearly two years and only after filing of the contempt petition and accepting notice by learned Government Advocate, had taken some action and passed orders on 03.03.2017, rejecting the request made by the petitioner.

8 The respondent / contemnor is unable to explain the reasons for belated compliance. At this juncture, it is pertinent to point out that this Court, in WP.No.10064/2015 has taken into consideration, the filing of very many writ petitions for issuance of patta/transfer of patta and also issued directions to the Secretary to Government, Revenue Department of the Government of Tamil Nadu, Chennai-9 and the said official, on receipt of the order, had issued Administrative instructions in D.O.Letter No.19925/SS.I[1]/2015-2 dated 10.06.2015, inviting the attention of all the District Collectors to G.O.Ms.No.210, Revenue [SS.I[1]] Department, dated 08.07.2012 and directing them to issue strict instructions to all the subordinate officers concerned at Taluk/Divisional Level under the control of the District Administration to scrupulously follow and adhere to the guidelines issued in the above cited Government Order while disposing of the applications seeking for name transfer of patta and also indicated that failing to comply with the said orders, would result in initiation of necessary disciplinary action against the erring officials.

9 In the case on hand, though the respondent / contemnor has complied with the order of this Court dated 06.04.2015, by passing an order dated 03.03.2017, the same has been passed belatedly.

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

10 In the light of the order dated 03.03.2017,

the Contempt Petition is closed. The petitioner is at liberty to challenge the Office Reference in RC.No.1295/2013/32 dated 03.03.2017 before the Competent Forum, in accordance with law.

11 Since the order has been belatedly complied with, the Collector, Kancheepuram District is directed to take appropriate action against the concerned officials, in accordance with law.

SD/-
JOINT REGISTRAR(OS) I/C

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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SS/CO/09/06/2017

To

Mr.S.Vanniya Selvam
The Tahsildar
Tahsildar Office
Cutchery Street,
Erode 638 001.

Copy to:-

The District Collector,
Kancheepuram District.

one cc to the Govt.Pleader, High Court,SR.No.4724/17

one cc to M/s.Suresh Sakthi Murugan.A, Advocate SR.4432/17