

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

Cont.P.No.2034 of 2016
and Sub.A.No.434 of 2016

Tmt.Ve.Selvi Petitioner

vs.

1.Mr.P.Murugesan
The Revenue Divisional Officer,
Kumaran Road, Taluk Office Compound,
Tiruppur.

2.Mr.T.R.Sivaram Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for the wilful disobedience of the order passed by this Court dated 09.08.2016 made in WMP.No.23887 of 2016 in W.P.No.27670 of 2016.

For Petitioner : Mr.M.Balachandar

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

Mr.K.Subashini,
for Chennai Law Associates

ORDER

The primordial submission made by the learned counsel appearing for the petitioner is that though voluminous documents have been produced in support of her claim, the respondents/contemnors has passed a cryptic order primarily based on the report of the Village Administrative Officer and would further add that arguments were advanced and concluded at 1.30 p.m. on 08.08.2016 and on the next day on 9.8.2016, the order has been pronounced by the first respondent and since there is a grave suspicion in the manner in which the order has been pronounced, prays for setting aside the same with a further direction directing a different official to reconsider the issue once again.

2. *Per contra*, Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the first respondent and the learned counsel appearing for the second respondent would submit that passing of the interim order in the writ petition has not been brought to the knowledge of the first respondent and the petitioner, challenging the legality of the order passed by the first respondent dated 09.08.2016, has already filed an appeal before the

District Revenue Officer, Thiruppur and on account of pendency of the contempt petition, mutation of the records yet to take place.

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

4. Be that as it may, the fact remains that the first respondent/contemnor has already passed orders on 09.08.2016, which is the subject matter of appeal before the District Revenue Officer, Thiruppur and it is always open to the petitioner herein to put forth the contentions or raise additional grounds and the Appellate Authority shall consider the rival submissions and pass orders on merits and in accordance with law, as expeditiously as possible and till such time, mutation of revenue records shall not take place. It is also made clear that till the disposal of the appeal by the District Revenue Officer, Thiruppur, the petitioner as well as the second respondent shall not create any third party right in respect of the property in question.

5. This Contempt Petition is closed, subject to the above observations. Consequently, connected sub-application is closed.

28.07.2017

Index : Yes / No

<http://www.judis.nic.in> Internet : Yes / No

jvm

M.SATHYANARAYANAN, J.

jvm

To

Mr.P.Murugesan
The Revenue Divisional Officer,
Kumaran Road, Taluk Office Compound,
Tiruppur.



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