



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.01.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM

and

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Cont P(MD)No.854 of 2016

Sivaraman

...Petitioner/1st Petitioner

-vs-

S.Malarvizhi
District Collector,
Sivagangai District.

...1st Respondent/Contemnor

Contempt Petition filed under Section 11 of the Contempt Act praying to punish the respondent herein for the willful disobedience of the order passed by this Court in W.P.(MD)No.15703 of 2014 dated 07.09.2015.

WP[MD] 15703/2014 Prayer:

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 take steps to cancel the patta issued to respondents 3 to 6 to subject land in Survey No.87/1 with an extent of 1.73.0 Hectares at Kalanivasal Village, Karaikudi Taluk, Sivagangai District.

For Petitioner	: Mr.N.Balakrishnan
For Respondent	: Mr.D.Muruganandham
	Additional Government Pleader

O R D E R

[Order of the Court was made by **A.SELVAM, J.**]

This Contempt Petition has been filed praying to punish the respondent alleging that the respondent has failed to obey the order passed in W.P.(MD)No.15703 of 2014 dated 07.09.2015.

2.It is averred in the petition that the petitioner has filed W.P.(MD)No.15703 of 2014 on the file of this Court, wherein on 07.09.2015, this Court has directed the respondent therein to consider the representation dated 06.08.2014 within a period of three months. Further it is averred in the petition that the respondent has failed to obey the order passed by this Court and therefore, the present petition has been filed so as to punish the respondent.



3.The learned counsel appearing for the petitioner has repeatedly contended to the effect that since the respondent has disobeyed the order dated 07.09.2015, the respondent must be punished.

4.Per contra, the learned Additional Government Pleader appearing for the respondent has elaborately contended to the effect that in pursuance of the order dated 07.09.2015 passed in W.P.(MD)No.15703 of 2014, the respondent has made genuine efforts for cancelling patta and now the concerned file is pending on the file of the Commissioner of Land Administration.

5.In fact, this Court has perused the letter addressed by the respondent to the Commissioner of Land Administration, wherein it has been specifically recommended for cancelling the patta alleged to have been issued in favour of one Mahalingam.

6.Considering the fact that in W.P.(MD)No.15703 of 2014 this Court has simply directed the respondent to consider the representation of the petitioner within a period of three months and also considering that the respondent has already taken proper efforts for cancelling the patta alleged to have been issued in favour of Mahalingam, this Court is of the view that the respondent has not disobeyed any order passed by this Court and therefore, this Contempt Petition is totally unwarranted and the same is liable to be dismissed.

7.In fine, this Contempt Petition is dismissed without cost.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

S.Malarvizhi
District Collector,
Sivagangai District.

+1 cc to MR.N.BALAKRISHNAN,ADVOCATE,SR.NO:2432
+1 cc to SPECIAL GOVERNMENT PLEADER,SR.NO:2543

mj

sva/ss2/ksm/27.01.2017/2p/4c

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