

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM

THE HONOURABLE **MR. JUSTICE K.RAVICHANDRABAABU**

Contempt Petition No.1479 of 2018

in

W.P.No.2682 of 2018

I.Mohamed Rahimudeen Petitioner

vs

Mr.G.Raju,
Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tahsildar Office Campus,
Tambaram,
Chennai 600 045. Respondent

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondent for wilfully disobeying the orders of this Court made in W.P.No.2682 of 2018 dated 07.02.2018.

For Petitioner : Mr.R.Gobika

For Respondents : Mr.SR.Rajagopal
Additional Advocate General
Assisted by
Mr.N.Inbanathan

ORDER

This contempt petition is filed complaining that the order passed by this Court in W.P.No.2682 of 2018 dated 07.02.2018 has not been complied.

2.Heard the learned counsel for the petitioner and

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

Mr.SR.Rajagopal, learned Additional Advocate General appearing

for the respondent Revenue Divisional Officer.

3. Learned Additional Advocate General, first of all, pointed out a mistake in the cause title of this Contempt petition by stating that the Revenue Divisional Officer of Tambaram is not G.Raju, as shown in the cause title and on the other hand, it is S.Chandrasekaran. However, the learned Additional Advocate General submitted that the concerned Revenue Divisional Officer namely S.Chandrasekaran has filed the status report dated 12.09.2018 today before this Court and such report may be taken into consideration and the contempt petition may be closed accordingly.

4.This Court, while disposing the above writ petition on 07.02.2018, directed the Revenue Divisional Officer, Tambaram, arrayed as the first respondent in the writ petition, to dispose of the appeal dated 24.12.2016 and pass orders on the same on merits and in accordance with law, after hearing the petitioner as well as the third respondent therein.

5.The present contempt petition is filed before this Court on 08.06.2018 by contending that the said order of this Court has not been complied with. However, when the contempt petition was taken up on 03.09.2018, the learned Additional

Government Pleader appearing for the respondent submitted that the order passed by this Court was complied with by passing an order dated 03.09.2018. He has also produced a copy of the said order. The learned counsel for the petitioner, however pointed out that the said order dated 03.09.2018 was not in accordance with the direction issued by this Court in the said writ petition, since neither the petitioner nor the third respondent in the writ petition were put on notice or heard before disposing the appeal. Therefore, she contended that the order dated 03.09.2018 is not in compliance of the order passed by this Court made in the above writ petition. Therefore, the matter was posted for further hearing on 11.09.2018. A status report was filed by the Revenue Divisional Officer dated 10.09.2018, wherein it was stated as though this Court as the first time, during the hearing of this petition on 03.09.2018, has instructed the Government Pleader to instruct the respondent to conduct an enquiry and thereafter to pass fresh order, while in fact, it was not so. Therefore, this Court directed the respondent to file an affidavit as to how such statement was made in the report dated 10.09.2018. Accordingly, today an affidavit is filed by the Revenue Divisional Officer, Tambaram by name S.Chandrasekaran, wherein he has tendered unconditional apology for making certain averments in paragraph No.5 of the status report dated 10.09.2018 inadvertently. Apart from saying so, the respondent also stated that he will withdraw

the order dated 03.09.2018 and conduct an enquiry afresh.

6. The learned Additional Advocate General appearing for the respondent submitted that the order dated 03.09.2018 will be withdrawn today itself and fresh notice of hearing will be served to the petitioner as well as the third respondent in the writ petition and thereafter, the respondent will pass an order on the appeal on merits and in accordance with law.

7. Considering the above stated facts and circumstances and in view of the status report filed by the respondent dated 12.09.2018, as discussed supra, further in view of the submissions made by the learned Additional Advocate General, this contempt petition is closed, by recording the above undertaking given by the respondent for disposal of the appeal in accordance with the order already passed within a period of four weeks from the date of receipt of copy of this order.

सत्यमेव जयते

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

vri

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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

PS/05/10/2018

To

The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tahsildar Office Campus,
Tambaram,
Chennai 600 045.



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