

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2018

CORAM

THE HON'BLE Mr. JUSTICE **M.M. SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **M. SUNDAR**

Cont.P.No.2253 of 2017

G.Jayabalan ... Petitioner

Vs.

1.M.Karthikeyan,
The Block Development Officer,
Tiruttani, Tiruvallur District.

2.Narasimman,
The Thasildar,
Tiruttani Taluk, Tiruvallur District.

... Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for the wilfully and deliberately disobeying the orders passed by this Court dated 20.12.2016 in W.P.No.25849 of 2014.

For Petitioner .. Mr.A.Gouthaman

For Respondents .. Mr.M.Elumalai,
Govt. Advocate

ORDER

(Order of the Court was made by **M.M. SUNDRESH, J.**)

Alleging that the order dated 20.12.2016 passed by

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

this Court in W.P.No.25849 of 2014 has not been complied with, the present contempt petition has been filed.

2.From the affidavit filed by the second respondent, it appears that the alleged encroacher died and his owner also predeceased him. During the enquiry, though the petitioner did not appear the daughter-in-law of the encroacher Ms.Uma appeared. She has made a request to the Revenue Divisional Officer seeking patta for the alleged encroached portion. The said issue is pending consideration with the Revenue Divisional Officer, Tiruttani pursuant to the report sent by the Tahsildar.

3.In view of the above facts, we are not inclined to call the respondents for contempt, especially, when the request is pending consideration with the Revenue Divisional Officer, Tiruttani, who is also not a party before us. Secondly, the person who made a request viz., Uma is also not before us. It is also to be seen that the petitioner's original grievance was that a portion of his land was encroached, which was found to be not correct. Learned counsel also fairly submitted that the suit filed by him was withdrawn.

4.In such view of the matter, we direct the Revenue Divisional Officer, Tiruttani to pass appropriate orders on the issuance of patta pursuant to the communication sent by the Tahsildar dated 19.01.2018, after affording an opportunity to the petitioner and as well as the third

party viz., Uma. Appropriate orders will have to be passed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the contempt petition stands closed.

mmi

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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PS/23/01/2019

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