

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Contempt Petition No.2266 of 2018

Mrs.G.Vijaya,
W/o.Late Gopal Naidu. ... Petitioner

-vs-

Mr.Rajkumar,
The Special Tahsildar (Land Acquisition),
SIPCOT, Sriperumbudur Scheme,
Irungattukottai,
First Floor, No.32, Gandhi Road,
Sriperumbudur-602 105. ... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971 to punish the respondent for
his wilful disobedience of the order passed by this Court
in W.P.No.7917 of 2016 dated 03.03.2016.

For Petitioner : Mr.S.Ramachandran

For Respondent : Mr.M.Elumalai,
Government Advocate

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O R D E R

This contempt petition has been filed alleging
wilful disobedience of the order and direction issued by
this Court in W.P.No.7917 of 2016, dated 03.03.2016.

2.For better appreciation, the operative portion of

"3.The petitioner in the affidavit filed in support of the Writ Petition would state that there was a Suit filed by one Kamalammal and Srivinivasan in O.S.No.245 of 2003, on the file of District Munsif Court, Thiruvallur in respect of the said property in which, the petitioner was the defendant. Thereafter, the Suit has been transferred to the District Munsif Court, Sriperumpudur, and renumbered as O.S.No.858 of 2008. It is submitted by the petitioner that the Suit was dismissed for non-prosecution on 10.07.2014 and the plaintiffs have not taken any steps to restore the Suit. With these facts, the petitioner seeks for payment of compensation and she is said to have made a representation to the respondents."

3.The respondent-contemnor, namely, Mr.G.Karunagaran, Special Tahsildar (Land Acquisition), SIPCOT, Irungattukottai & Sriperumbudur Schemes, Sriperumbudur Taluk, is present in Court today, and he has stated that the petitioner has refused to receive the compensation and therefore, he has deposited the award amount, awarded in Award No.5/1998, on the file of the Sub-Court, Kancheepuram, vide Lr.No.R.C.19/2016/A/dated 10.12.2018. This letter has been received by the Sheristadar of the Sub-Court, Kancheepuram on 17.12.2018.

4.The Special Tahsildar submits that the 'patta' in respect of the land is a 'joint patta' standing in the name of Tmt.Vijaya and Tmt.Thulasiyammal. The co-pattadar, viz., Tmt.Thulasiyammal, is no more and one Kamalammal, claiming to be entitled to the property through Thulasiyammal, filed a suit against the petitioner herein in O.S.No.245 of 2003 on the file of the District Munsif Court, Thiruvallur in which, the petitioner was arrayed as a defendant. The suit was subsequently transferred to the District Munsif Court, Sriperumbudur, and re-numbered as O.S.No.858 of 2008. However, the suit was dismissed for non-prosecution on 10.07.2014, and no steps have been taken to restore the suit. Interestingly, in the suit, the Special Tahsildar, SIPCOT, Irungattukottai, is the third defendant. Along with Kamalammal, one Sriraman is also arrayed as second plaintiff. This rival claim sought to be created by the person claiming an alleged right through Thulasiyammal has been unsuccessful in their attempt. Therefore, this Court is of the clear view that no person could stake a claim alleging that they are entitled to a share in the property through Thulasiyammal, as such an attempt has already failed. Thus, the patta should be construed to be standing in the name of Tmt.G.Vijaya, who is entitled to receive the compensation. Since the compensation amount was very meagre, the petitioner has refused to receive it and the Special Tahsildar has rightly

deposited the same before the Sub-Court, Kancheepuram.

5.This Court, under normal circumstances, is conscious of the fact that it may take a long time for the Land Acquisition Original Petition (LAOP) to be disposed of. However, in the subject acquisition, already the land value has been fixed at the rate of Rs.3,000/- per cent with 30% solatium and an additional amount of 12% per annum, from the date of notification (issued under Section 4(1) of the Land Acquisition Act), vide judgment in A.S.No.177 of 2006 and etc., batch **(The Special Thasildar (Land Acquisition) SICOT Unit, Irungattukottai Scheme, Sriperumbudur vs. N.Sripathy and Others)** dated 30.11.2009.

6.According to the petitioner, the lands owned by her are also covered in the same notification and therefore, she is also entitled to the same amount of compensation.

7.The petitioner is given liberty to move the Sub-Court, Kancheepuram for an early decision in the LAOP and entitled to request the Court to apply the decision of the Hon'ble Division Bench. Considering the fact that the petitioner is aged about 64 years and the matter has been kept pending in the Court since the year 2003, the Sub-

expeditiously as possible, preferably within a period of two months from the date on which the petitioner enters appearance.

8. For the above reasons, this contempt petition is disposed of. No costs.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)
abr

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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

PS1/03/01/2019

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To

The Special Tahsildar (Land Acquisition),
SIPCOT, Sriperumbudur Scheme,
Irungattukottai,
First Floor, No.32, Gandhi Road,
Sriperumbudur-602 105.