

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.590 of 2019
and
Sub Application(OS).No.152 of 2019

C.Suresh Babu Petitioner
Vs.

1.Smt.S.Shanthi
The District Revenue Officer,
District Collectrate Office,
Krishnagiri.

2.Mr.B.Venkatesan
The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

.... Respondents

Prayer : Contempt Petition filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for
having willfully disobeyed the order of this Hon'ble Court
in W.P.No.40538 of 2016 dated 12.06.2018.

For Petitioner : Mr.K.Chandrasekaran

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
for R1 & R2
Mr.Krishna Ravindran
for Writ petitioner
in W.P.No.40538/2016

ORDER

The present Contempt Petition is filed to punish the respondents for the willful disobedience of the orders of this Court dated 12.06.2018 in W.P.No.40538 of 2016, this Court passed final orders in W.P.No.40538 of 2018 as follows:-

"6. This being the principles to be followed, this Court is of an opinion that all patta proceedings either before the Tahsildar or before the District Revenue Officer are to be kept abeyance till the Second Appeal pending before the High Court is disposed of in all respects. Accordingly, the order passed by the Tahsildar and the District Revenue Officer in proceedings dated 22.09.2016 are kept in abeyance. The respective parties including the writ petitioner and the fourth respondent are at liberty to submit a fresh application after disposal of the civil litigations pending before the courts.

7. In the event of submitting such application after the disposal of the civil litigations, then the competent authorities are at liberty to consider the same in accordance with the provisions contemplated under the Patta Passbook Act and by conducting an enquiry.

8. With these observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected

miscellaneous petitions are closed."

2.The order passed by this Court is unambiguous that the patta proceedings either before the Tahsildar or before the District Revenue Officer are to be kept in abeyance till the Second Appeal is disposed of by the Hon'ble High Court. The trouble aroused on account of the erroneous interpretation of the orders of the officials concerned, and the writ petitioner earlier filed Contempt Petition No.419/2019. The said Contempt Petition was closed on account of the fact that the District Revenue Officer passed an order on 28.02.2019. Now another Contempt Petition is filed in Contempt Petition No.590/2019 by the 4th respondent in the writ petition, stating that the patta granted in his favour was cancelled in the revenue records and thereby the respondents have altered the revenue records in spite of the orders of this Court to keep all the proceedings in abeyance. Thus, the respondents have committed Contempt.

3.This Court is of the considered opinion both the writ petitioner as well as the 4th respondent in the writ petition are making attempts to misinterpret the orders of this Court, in order to gain some advantage or to made out

some grounds in the Civil proceedings. All these attempts are to be averted by the parties concerned, in view of the fact that this Court passed an order to keep all the revenue proceedings in abeyance till the disposal of the Second Appeal. Such an order was passed in order to avoid further complications in the matter of issuing the patta or altering the revenue records based on the patta and other records. The title in respect of the immovable properties are to be proved independently by the parties with reference to the documents available and by adducing evidences before the competent Court of Law. However, patta alone will not confer any title in respect of the immovable properties and therefore, irrespective of the grant of patta by the competent authorities and the other revenue records, the parties are at liberty to adjudicate their title and ownership with reference to the documents available. The intention of the Court as far as the revenue proceedings are concerned, the same need not be altered then and there at the instance of the parties and only after the final disposal of the Second Appeal, the respective parties are at liberty to submit fresh application for change of patta, grant of patta or alteration in revenue records. Under these circumstances, the order passed by the District Revenue Officer,

Krishnagiri creates certain doubts in the minds of the parties and the learned counsel now appearing for the present Contempt Petitioner also states that the order will affect the rights of the Contempt Petitioner since the revenue records are now altered pursuant to the orders passed in the writ petition and by misinterpreting the same.

4. Even, in case of any such doubts in the minds of the authorities, they are bound to file appropriate clarification petition before the Hon'ble High Court, seeking certain clarifications. Contrarily, they are not supposed to misinterpret the order, so as to affect the rights of the parties.

5. As reiterated in the original order passed in the writ petition, this Court is of the considered opinion that the revenue records must be kept in abeyance and the order was passed in the writ petition itself. Thus, the authorities need not pass any subsequent orders either to cancel the patta granted or granting patta in favour of any of the persons. Nothing needs to be done till the final disposal of the Second Appeal and even the order passed in proceedings dated 28.02.2019 need not be given effect to and hereafter the Tahsildar as well as the District Revenue

Officer need not pass any orders till the final disposal of the Second Appeal.

6. With these clarifications, this Court is of an opinion that the respondents have not committed any willful contempt and the order was passed on account of certain misunderstanding and now that it is clarified and accordingly, the Contempt Petition stands closed. No costs. Consequently, connected Sub Application petitions are also closed.

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SD/-
ASSISTANT REGISTRAR (COMM. CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते COURT OFFICER (O.S.)

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Sd/22/05/2019

To

1. Smt.S.Shanthi
The District Revenue Officer,
District Collectrate Office,
Krishnagiri.

2. Mr.B.Venkatesan
The Tahsildar,
Denkanikottai Taluk Office,
Denkanikottai.

Copy to:-

3. Mr.N.Narayana Reddy
Son of Late M.Nanja Reddy,
Beegisettypalli Village,
Hosur Taluk,
Krishnaagiri District.



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