

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

AND

THE HONOURABLE MR. **JUSTICE R.SUBRAMANIAN**

Contempt Petition Nos. 811 and 812 of 2019
and Sub Application Nos.214 and 215 of 2019

Thiripuram Kandasamy,
W/o.Late Kandasamy,
No.890 Thiruvottriyur High Road,
Thiruvottriyur,
Chennai 600 019.

... Petitioner in Cont. P No.811/19

Sivaraman,
S/o.Late Munikrishnan,
No.890, Thiruvottriyur High Road,
Thiruvottriyur,
Chennai 600 019.

... Petitioner in Cont. P No.812/19

Versus

1. R.Rajendran

Revenue Divisional Officer,
North Madras Revenue Zone,
Chennai 600 081.

2. K.Tharpakaraj

District Revenue Officer cum Law Officer,
Chennai Metro Rail Limited,
CMRL Depot, ADMN Building,
Poonamallee High Road,
Koyambedu, Chennai 600 107.

... Respondents in both the
Contempt Petitions

PRAYERS: Petitions filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents herein for having willfully, deliberately, disobeyed and committed contempt of the order passed by this Court dated 01.11.2018 in WP No.28703 of 2018 under the provision of Contempt of Court Act.

For Petitioner : Mr.A.Sivaji
(in both the Petitions)

For Respondents : Mrs.A.Srijayanthi
(in both the Petitions) for R1
Special Government Pleader
Mr.Thiyagarajan,
Senior Counsel
for M/s. Jayesh B.Dolia
for R2

O R D E R

These two Contempt Applications have been filed seeking to punish the respondents for having willfully disobeyed the orders of this Court dated 01.11.2018 made in WP No.28698 of 2018 and 28703 of 2018. The aforesaid Writ Petitions were filed by the petitioners/applicants herein challenging the orders of the respondents 1 and 2 dated 19.09.2018, in and by which, respondents 1 and 2 had sought to evict the petitioners under the Tamil Nadu Land Encroachment Act 1905.

2. The main contention of the petitioners in the Writ Petitions was that the lands in question are classified as Grama Natham and as such, they do not vest in the Government and the Government does not have power to invoke the provision of the Tamil Nadu Land Encroachment Act 1905, to evict them. A similar issue came up before us in WP Nos.26234 and 26237 of 2018 and we had, by a detailed order dated 11.10.2018 held that the lands having been classified as Grama Natham do not vest in the Government and the Government has no paramount title over the said lands. We had also observed that it is not open to the Government to reclassify the lands and take over the same. While disposing of the above Writ Petitions, we have reiterated the observations made in our order dated 11.10.2018.

3. In para 3 of the order in the Writ Petitions dated 01.11.2018, we have observed as follows:

"3. We have considered substantially similar case in WP Nos.26234 and 26237 of 2018, in which also the orders passed under Section 6 of the Tamil Nadu Land Encroachment Act, by the very same Tahsildar were under challenge. By a detailed order dated 11.10.2018, we have held that the petitioners who are in possession of

"Grama Natham" lands cannot be treated as encroachers and the lands classified as "Grama Natham" do not vest in the Government to enable the Government to take proceedings, under the Tamil Nadu Land Encroachment Act, III of 1905."

We have also said that it is open to the Government to acquire the lands by paying compensation, if the lands are required for any public purpose.

4. While things stood thus, the Law Officer of the Chennai Metro Rail Limited, who has been cited as the 2nd respondent in the Contempt Petitions, had filed an Appeal before the Revenue Divisional Officer, Thandiarpur Division, seeking cancellation of the patta issued to the vendors of the petitioners. It is stated in the said appeal that the lands are Sarkar promboke/ Grama Natham.

It is also stated that the petitioners in the Writ Petition have not produced any patta. These statements are false to the knowledge of the Officer concerned, inasmuch as, we have held that pattas have been issued for the lands to the vendors of the petitioners and since the lands are classified as Grama Natham, the Government cannot evict the petitioners treating them as encroachers. It appears

that the Collector of Chennai by its proceedings dated 11.02.2019 directed the Revenue Divisional Officer, Thandiarpet Division to consider the Appeal preferred by the Law Officer of Chennai Metro Rail Limited and dispose of the same at an early date.

5. It is the grievance of the petitioners that the Revenue Divisional Officer has no right to cancel the patta and the entire proceedings have been initiated only with a view to circumvent the order of this Court passed in WP Nos.28698 and 28703 of 2018 dated 01.11.2018.

6. When these Contempt Petitions were listed yesterday before us, we had directed the counsel for the petitioners to serve notice on the learned Government Pleader as well as the counsel for the Chennai Metro Rail Ltd.

7. Today when the petitions were taken up, the learned Government Pleader appearing for the 1st respondent has filed an affidavit stating that he has withdrawn the notices dated 15.02.2019 and 27.03.2019 issued to the petitioners for hearing the appeal preferred by the Law Officer of the Chennai Metro Rail Ltd., and orders to that

effect have been passed on 29.04.2019. The 2nd respondent

namely, the Law Officer of Chennai Metro Rail Ltd has also filed an affidavit stating that he has withdrawn the appeal preferred by him, seeking cancellation of patta. The copy of the proceedings withdrawing the notice has also been produced before us.

8. In view of the same, we do not find any necessity to proceed with these contempt petitions. Therefore, the Contempt Petitions are closed. Connected miscellaneous petitions are closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

jv

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते

COURT OFFICER (O.S.)

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Sm/18/06/2019