

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 26.08.2019

Orders Pronounced on : 30.08.2019

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.2270 of 2018

S.Sivakumar

... Petitioner

Vs.

Mr.Babu,
The Tahsildar,
Arakkonam Taluk,
Arakkonam,
Vellore District.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the respondent for contempt of the order of this Court dated 13.04.2016 made in W.P.No.13832 of 2016.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.M.Elumalai, Govt. Advocate

ORDER

The present Contempt Petition has been filed by the petitioner alleging non-compliance of the order dated 13.04.2016 passed by this Court in W.P.No.13832 of 2016, which was filed for issuance of a Writ of Mandamus to direct the respondent to pass orders on the petitioner's application dated 03.08.2015 seeking for sub-division and transfer of patta in respect of the petitioner's property bearing plot No.50 comprised in S.No.524/3B Green Park

Avenue, Vadamambakkam Village, Arakkonam Taluk, in the light of the judgment of this Court made in A.S.No.108 of 1991, dated 26.11.2001. In the said W.P., this Court passed the following order:

"6. Considering the facts and circumstances of the case, this Court directs the respondent to consider the petitioner's application dated 03.08.2015, by affording an opportunity of personal hearing to the petitioner and pass appropriate orders, with regard to subdivision of the plot No.50 comprised in S.No.524/3B, Green Park Avenue, Vadamambakkam Village, Arakkonam Taluk. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law and also in the light of the judgment dated 26/11/2011 made in A.S.No.108 of 1991 passed by this Court. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of accordingly. No costs."

2. When the Contempt Petition came up for hearing on 26.08.2019, the learned Government Advocate appearing for the respondent, by filing counter affidavit, submitted that in obedience to the said order dated 13.04.2016 passed by this Court in the said W.P., all the Revenue Records of S.No.524/3B of Vadamambakkam Village were perused thoroughly; on scrutiny of Addenda Register of Vadamambakkam Village, which was prepared by Special Assistant Settlement Officer, Revenue Settlement Office party No.11 (Cuddalore) on 07.09.1923 as per the Board Proceedings Routine Nos.3136 and 3511, dated 06.08.1923 and 31.08.1923 respectively, the land in S.No.524/3 was assigned to Adhi Dravidars. The learned Government Advocate further submitted that as per the Revenue Standing Order No.15(iv)(6), in case of assignment made to the Adhi Dravidars under the said provision, the land was sold after some years to one who belonged to a Community other than Adhi Dravidar and the Tahsildar, cancelled the assignment. Hence, the purchaser filed W.P.No.2928 of 1981, which was dismissed by this Court, against which, Writ Appeal No.6624 of 1981 filed, was also dismissed. Further, as per the said provisions made in R.S.O.No.15(iv)(6) and in the light of the said judgment in W.P.No.2928 of 1981 and W.A.No.6624 of 1981, the petitioner's request could not be considered, since the land purchased by the petitioner was allotted to Adhi Dravidar and the petitioner belongs to a Community other

than Adhi Dravidar. Hence, the petitioner's representation dated 03.08.2015 was rejected by the respondent by passing a speaking order, which was also communicated to the petitioner through Registered Post with Acknowledgement Due, vide proceedings in Na.Ka.Aa2/505/18, dated 05.08.2019.

3. The learned Government Advocate appearing for the respondent also produced the said proceedings dated 05.08.2019. On a perusal of the said proceedings, dated 05.08.2019, this Court is of the view that the order under contempt had been complied with by passing the said proceedings.

4. Hence, nothing further survives for consideration in the present Contempt Petition, which is accordingly closed. If the petitioner is still aggrieved, he is at liberty to challenge the said proceedings, dated 05.08.2019 before the appropriate authority in accordance with law. No costs.

SD/-
ASSISTANT REGISTRAR(OS-II)

cs

//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.

To

The Tahsildar,
Arakkonam Taluk,
Arakkonam,
Vellore District.