



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

Cont.P. (MD) No.1141 of 2019

in

W.M.P. (MD) No.10538 of 2018

in

W.P. (MD) No.11576 of 2018

S.Sahaya Raj

... Petitioner

vs.

1.Mr.S.Sivarasu,  
District Collector,  
Trichy District, Trichy.

2.T.Shanthi,  
District Revenue Officer,  
Trichy District, Trichy.

3.Mr.K.Anbalagan,  
Revenue Divisional Officer,  
Trichirappalli,  
Trichy District.

4.Mr.Shanmugavel,  
Tahsildar,  
Trichy East, Trichy District.

... Respondents

**PRAYER:** Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for deliberate and wilful disobedience of the order passed by this Court in W.M.P.(MD)No.10538 of 2018 in W.P. (MD)No.11576 of 2018, dated 30.05.2018.

Prayer in WMP(MD). 10538/ 2018 :

To grant an order of interim stay of the operations and all further proceedings of the impugned order passed by the 2nd respondent in his proceedings Na.Ka.A6/6247-2017 dated 24.04.2018 pending disposal of the above writ petition

Prayer in WP(MD). 11576/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.A6/6247-2017 dated 24.04.2018, and quash the same as illegal and arbitrary



For Petitioner

: Ms.R.Murugeshwari  
for Mr.B.Saravanan

For Respondents

: Mr.Aayiram K.Selvakumar  
Additional Government Pleader

WEB COPY

**ORDER**

Ms.R.Murugeshwari, learned Counsel on record for the petitioner is before this Court.

2. An order made by a Revenue Divisional Officer (RDO), being order dated 20.02.2017 was carried to the District Revenue Officer (DRO), who passed an order dated 24.04.2018 and this order of DRO was assailed in the aforementioned writ petition ie., W.P.(MD) No.11576 of 2018. In the writ petition, a writ miscellaneous petition being W.M.P.(MD)No.10538 of 2018 was taken out seeking stay of operation of and all further proceedings pursuant to the impugned order ie., order of DRO, dated 24.04.2018 and a Honourable Single Judge of this Court, on 30.05.2018, passed an interim order, which reads as follows:

*'There shall be an order of interim stay.'*

3. Instant Contempt Petition has been filed complaining of violation of aforesaid interim order of this Court dated 30.05.2018, but even according to the petitioner in the contempt petition, the impugned order was given effect to on 19.05.2018 itself. This is articulated in paragraph No.3 of the affidavit filed in support of the contempt petition and relevant portion of paragraph No.3 of the petitioner's affidavit reads as follows:

*'I also submitted a copy of the order to the respondents 2 to 4 in person for appropriate action. In the meanwhile, it appears that the impugned order was given effect to by effecting changes in the Town Survey Land Register as early as on 19.05.2018 itself. It is the duty of the respondents to have restored the Town Survey Land Register to the state prior to 19.05.2018 in view of the interim order passed by this Hon'ble Court in W.M.P.(MD)No.10538 of 2018 in W.P.(MD)No.11576 of 2018, dated 30.05.2018 and the failure to do the same is amounting to committing contempt of the order passed by this Hon'ble Court.'*

4. In the light of the stated position in contempt petition itself, this Court is left with the considered view that there is no wilful disobedience of the interim order of this Court, as the impugned order was given effect to more than a fortnight prior to the interim order.



5. To be noted, the writ affidavit itself is dated 28.05.2018, which makes it clear that the writ petition itself has been filed after the impugned order of DRO was given effect to. No case made out for wilful disobedience ie., contempt.

6. Instant Contempt Petition is dismissed. No costs.

Sd/-  
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.Mr.S.Sivarasu,  
District Collector,  
Trichy District, Trichy.

2.T.Shanthi,  
District Revenue Officer,  
Trichy District, Trichy.

3.Mr.K.Anbalagan,  
Revenue Divisional Officer,  
Trichirappalli,  
Trichy District.

4.Mr.Shanmugavel,  
Tahsildar,  
Trichy East, Trichy District.

+1 CC to M/s.SPL GP ( SR-86941[F] dated 16/09/2019 )

+1 CC to M/s.B.SARAVANAN, Advocate ( SR-86965[F] dated 17/09/2019 )

**Cont.P. (MD)No.1141 of 2019**

**in**

**W.M.P. (MD)No.10538 of 2018**

**in**

**W.P. (MD)No.11576 of 2018**

**13.09.2019**

**ssl**

JM/30.09.2019/3P/7C