



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

CONT.P.(MD)No.1516 of 2018

in

W.P.(MD)No.16895 of 2017

A.Vetri

... Petitioner/Petitioner

vs.

L.R.Sundarilal
Tahsildar,
Aandipatti Taluk,
Aandipatti, Theni District.

... Contemnor/Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts, Act, to punish the respondent herein for contempt committing wanton and wilful disobedience of the order passed by this Court, dated 07.09.2017 in W.P.(MD)No.16895 of 2017.

Prayer in WP(MD). 16895/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent herein to directing the respondents to demarcate the property survey No. 602/10 having the extent of 3 cents situated at Kannur Village, Theni District and to issue a report with boundaries within the time stipulated by this Honble Court.

For Petitioner :Mr.D.Selvanayagam

For Respondent :Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

The petitioner earlier filed a Writ Petition in W.P.(MD) No.16895 of 2017 seeking Mandamus to direct the second respondent to demarcate the property in S.No.602/10 having an extent of three cents situated at Kunnur Village, Theni District. This Court, disposed of the Writ Petition in the following lines:

"4.Considering the facts and circumstances of the case and also taking into account the limited scope of the



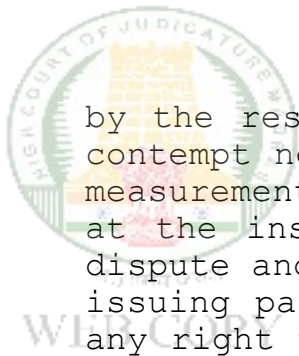
relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matters, directs the second respondent to consider the application/representation of the petitioner dated 07.08.2017 and pass suitable orders regarding measurement of the property on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner and any of the interested parties."

2.The representation of the petitioner was considered by the respondents, by passing an order, dated 24.12.2017, giving reasons, why the petitioner's request of measurement of property cannot be considered. Despite the Tahsildar passed an order expressing his inability to measure the land or to fix the boundary in respect of the property stated to have been purchased by the petitioner, the petitioner has issued a legal notice, as if the respondent was directed to demarcate the property in respect of his property in S.No.602/10 Kunnur Village, Andipatti Taluk, Theni District.

3.One of the reasons quoted by the respondent was that the property of three cents in S.No.602/10 cannot be demarcated, in view of the pendency of the dispute in O.S.No.30/14. Stating that the suit filed by the petitioner was withdrawn, the petitioner compelled the respondent to pass orders and threatened the respondent to initiate contempt, in case, the respondent does not demarcate the petitioner's property.

4.The learned Additional Government Pleader has produced before this Court, the copy of communication addressed to him, dated 06.08.2019, by the Tahsildar concerned. From the information furnished to the Additional Government Pleader, it is seen that in respect of the land relating to the petitioner, another suit in O.S.No.77 of 2018 has been filed before the District Munsif Court, Andipatti. It is further stated that the District Registrar has earlier directed registration of criminal case against the petitioner for impersonation. It is also stated that patta stands in the name of Tmt.Gandhi, wife of Thiru.Ramar, as per the enjoyment. Stating that the petitioner has obtained a direction from this Court suppressing material facts, it is also mentioned that the petitioner is not a registered owner, holding patta in his name and that therefore, the request of the petitioner for survey and demarcation cannot be considered.

5.From this communication and the facts narrated from the earlier communication that was addressed to the petitioner in December'2017, it is seen that the said communication is in compliance of the direction of this Court. However, the petitioner, despite his request for survey and demarcation has been turned down



by the respondent, once again threatened the respondent by issuing contempt notice. It is well settled that survey and demarcation or measurement of property can be undertaken by revenue officials, only at the instance of persons, who are holding the land without any dispute and they are registered as land owners in revenue records by issuing patta. In this case, the petitioner has neither patta nor any right under the persons, whose name had already been registered as land owners in revenue records. When an order is passed in December'2017 and the same was communicated to the petitioner, the request of the petitioner cannot be considered. The petitioner has issued contempt notice in a threatening tone to pass appropriate orders by surveying and demarcating the land, as if this Court has issued a positive direction to the respondent.

6.This contempt petition is nothing, but, an attempt to compel the respondent to do something contrary to the direction of this Court. The conduct of the petitioner in coming to the Court with the false allegation, just to get something done by threat, is condemnable. There is no disobedience in this case, as it was elaborated. The conduct of the petitioner is liable to be deprecated. Hence, this contempt petition is dismissed with a cost of Rs.5,000/- to the credit of General Secretary, Indian Red Cross Society, Tamil Nadu Branch, Chennai. The petitioner is directed to pay cost within a period of three weeks from the date of receipt of a copy of this order.

7.Post the matter on 20.02.2020 for reporting compliance.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To
Tahsildar, Aandipatti Taluk,
Aandipatti, Theni District.

Copy to:
The General Secretary, Indian Red Cross Society,
Tamil Nadu Branch, Chennai.

+1 CC to M/s.SPL.GP (SR-105337[F] dated 17/12/2019)

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