

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24..01..2020

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Contempt Petition No.1910 of 2019

and

Sub Application No.9 of 2020

T.Anand Kumar

... Petitioner

-Versus-

Thiru.Ponniah, I.A.S.,
District Collector,
Kanchipuram District,
Kanchipuram.

... Respondent

Petition filed under Section 11 of The Contempt of Courts Act, 1971 praying to punish the respondent for having committed contempt of order of this court dated 25.10.2018 made in W.P.No.17007 of 2018.

For Petitioner : Mr.G.Karthikeyan

For Respondent : Mr.M.Elumalai, GA

ORDER

This petition has been filed seeking to punish the respondent for having committed contempt of order of this court dated 25.10.2018 made in W.P.No.17007 of 2018.

2. This court, by order dated 25.10.2018, allowed the writ petition in W.P.No.17007 of 2018 and thereby set aside the order passed by the respondent - District Collector, Kancheepuram District rejecting the application of the petitioner filed under Section 25-A of the Land Acquisition Act and remitted the matter back to him to consider the application afresh and pass suitable orders thereof within a period of eight weeks from the date of receipt of a copy of this order. Alleging that the order of this court has not been complied with in letter and spirit, the petitioner has come forward with this contempt petition.

3. Pending contempt petition, it is submitted that the respondent has passed an order dated 19.12.2019 rejecting the the application of the petitioner on the ground that the petitioner failed to produce necessary material documentary evidence to substantiate his claim. A copy of the order has also been produced for the perusal of this court.

4. The learned counsel for the petitioner would contend that in respect of the land comprised in very same survey number in question, which were acquired for public purpose under the very same scheme, the land owners of those pieces of

lands were awarded with enhanced compensation. So far as the petitioner's land in question, the respondent was insisting on the petitioner for production of the certified copy of the reference sale deed and other documents which were not in the possession of the petitioner. The petitioner was already awarded compensation for the lands which are the subject matter in the writ petition by the Tahsildar. When he had sought for enhanced compensation, the respondent insisted the petitioner for production of the certified copies of the documents. Therefore, the petitioner had sought for some time for production of those documents by obtaining certified copy of the same from the sub registrar concerned. But, without considering his reasonable request, an order has been passed by the respondent on the application of the petitioner hurriedly in a hasty manner. The learned counsel therefore, submitted that the petitioner is ready and willing to produce the document as required by the respondent and therefore, he prayed this court that the order may be set aside and the matter may be remitted back for consideration afresh.

5. The learned Additional Government Pleader for the respondent would contend that the petitioner was required to produce the certified copy of the reference sale deed and

other documents to substantiate his claim. But, he did not do so. In such circumstances, the respondent had no other option except to reject the claim of the petitioner as there was no material to substantiate the claim of the petitioner.

6. Considering the fact that pursuant to the directions in the writ petition under contempt petitioner, now, an order has been passed by the respondent rejecting the claim of the petitioner merely on the ground that he had not produced certified copy of the reference sale deed and other documents and the petitioner is now ready and willing to produce those documents as required by the respondent, considering the peculiar facts and circumstances of the case and in order to meet the ends of justice this court is inclined to set aside the order passed by the respondent dated 19.12.2019 and remit back the matter for consideration afresh.

7. **In the result,** the order dated 19.12.2019 made in proceedings in reference Na.Ka.285/2014 is set aside and the matter is remitted back to the respondent for considering the matter afresh based on the material evidence to be submitted by the petitioner and pass appropriate order thereof on merits and in accordance with law. This contempt petition is disposed

of accordingly with the above directions. No costs.
Consequently, the connected Sub Application is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

KMK

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER (O.S.)

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SS/CO/18/04/2017

one cc to the Govt.Pleader, High Court, sr.No.3863

1.One CC filed by the Advocate, M/s.G.karthikeyan, and
A.jagadeeswari , Sr.NO.1032/2020.

2.One CC to the Government Pleader, High Court, Sr.No.1243/2020.

To

1.The District Collector,
Kancheepuram District.

सत्यमेव जयते
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