

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Ninth day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

CONT P(MD) No.1080 of 2019
and
SUB APPLICATION(MD)No.162 of 2019

K.R.V.R.SM.V.SOMASUNDARAM CHETTIAR ... PETITIONER/ PETITIONER
IN CONT P(MD)No.1080 of 2019
... APPELLANT/ PETITIONER
IN SUB APPLICATION(MD)No.162 of 2019

Vs

ANANTHI,
ASSISTANT SETTLEMENT OFFICER(SOUTH),
OFFICE OF SURVEY AND SETTLEMENT DIRECTOR,
CHEPAUK,CHENNAI-600 005. ... RESPONDENT/ RESPONDENT
IN CONT P(MD)No.1080 of 2019
.. RESPONDENT/ 1ST RESPONDENT
IN SUB APPLICATION(MD)No.162 of 2019

PRAYER IN IN CONT P(MD)No.1080 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to punish respondent herein for having committed contempt by willfully disobeying the order dated 13.06.2019 passed by this Honourable Court in the above W.P.(MD)No.13360 of 2019 and continuing to do so, onwards and render justice.

PRAYER IN SUB APPLICATION(MD)No.162 of 2019:

Pleased to grant an interim direction directing the respondent not to proceed further in present proceedings in Na.Ka.A2/1128/2019 till she comply with the order dated 13.06.2019 of this Hon'ble court passed in WP(MD)No.13360 of 2019 and clarify the fate of the earlier proceedings, which has been deferred by the very same respondent, pending disposal of the contempt petition.

Prayer in WP(MD). 13360/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records relating to the

proceedings of the 1st respondent in Na.Ka.A2/1128/2019 and quash the same and consequently direct the 1st respondent to proceed with the earlier proceedings No.Na.Ka.A2/9684/2014 to pass orders taking into account of all oral and documentary evidence in accordance with law.

ORDER: This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.CHELLAMUTHU, Advocate for the petitioner in both petitions, and of Mr.P.KANNITHEVAN, Additional Government Pleader for the respondent in both petitions, the court made the following order:-

This Court, by order dated 13.06.2019, has passed the following order:

"8.However, it is open to the petitioner to make a request to the first respondent and seek clarification from the first respondent as to the fate of the earlier proceedings, which has been deferred by the very same first respondent, by his proceedings dated 26.11.2018 so also, what is the relevancy of the present proceedings initiated through the impugned communication and what for it has also been deferred. If such representation is made by the petitioner, this first respondent is duty bound to clarify the same to the petitioner and thereupon can proceed in accordance with law. No costs. Consequently, the connected miscellaneous petition is closed."

2.Pursuant to the said order, the respondent has issued notice to the petitioner, fixing an enquiry on 26.07.2019 by notice dated 12.07.2019 and on that day, the petitioner appeared before the respondent and made a detailed request as to the clarification as has been mentioned at para 8 of the order referred to above. But, without giving such clarification, the respondent has just kept the said request made by the petitioner pending and subsequently, on 05.08.2019, the respondent has issued yet another notice to the petitioner fixing hearing date again on 22.08.2019, without giving the clarification as has been sought for by the petitioner, which has been specifically directed by this Court in the order dated 13.06.2019 in para 8 referred to above. In view of the same, the contempt petition (MD) No.1080 of 2019 has been filed.

3.Mr.P.Kannithevan, learned Additional Government Pleader takes notice in the main contempt petition to get instructions with regard to the alleged disobedience of the orders passed by this Court, as has been projected by the petitioner.

4.In the meanwhile, the respondent shall not proceed with the enquiry pursuant to the notice dated 05.08.2019 in Na.Ka.A2/1128/2019.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Post after four weeks.

sd/-
09/08/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

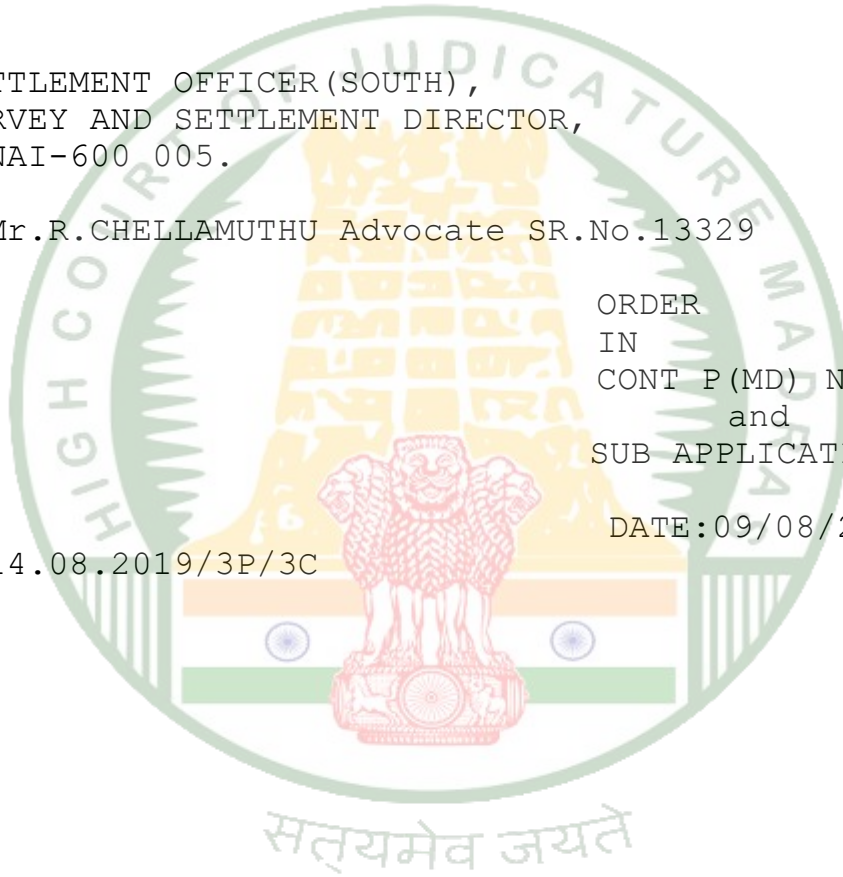
TO

ANANTHI,
ASSISTANT SETTLEMENT OFFICER(SOUTH),
OFFICE OF SURVEY AND SETTLEMENT DIRECTOR,
CHEPAUK, CHENNAI-600 005.

+1. C.C. to Mr.R.CHELLAMUTHU Advocate SR.No.13329

ORDER
IN
CONT P(MD) No.1080 of 2019
and
SUB APPLICATION(MD)No.162
of 2019
DATE:09/08/2019

TK/VR/SAR.1/14.08.2019/3P/3C



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