



WEB COPY

Cont. Petn. No.810 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Contempt Petition No.810 of 2015

Mrs.Valliammal,
Ramaiah Reddy Layout,
Near Police Station,
Ramamurthy Nagar,
Bangalore

.. Petitioner/Petitioner

Vs.

Mr.S.Dinakaran
The Tahsildar
Chengam Taluk
Tiruvannamalai District

.. Respondent/3rd Respondent

* * *

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for having disobeyed the order of this Hon'ble Court dated 15.09.2014 in W.P. No.24909 of 2014.

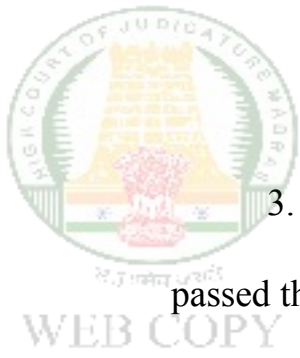
* * *

For Petitioner	:	Mr.S.Arokia Maniraj
For Respondents	:	Mr.M.Elumalai, Addl. Govt. Pleader

ORDER

The contempt petition has been filed alleging wilful disobedience of the order of this Court dated 15.09.2014 made in W.P. No.24909 of 2014.

2. Petitioner has filed a writ petition earlier in W.P. No.24909 of 2014 for issuing a writ of mandamus directing the respondents therein to consider her representation dated 12.05.2014.



3. This court, while disposing of the writ petition on 15.09.2014, has passed the following order:

"Considering the limited nature of the prayer sought and without expressing any opinion on the merits, the writ petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 12.5.2014 for the transfer of patta on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs."

4. It is stated by the petitioner that the order/direction issued by this court, to consider her representation, has not been complied with by the respondent, even after sending a copy of the order of this court dated 15.09.2014.

5. Learned Additional Government Pleader, appearing for the respondent, has produced before this court, the proceedings of the Revenue Divisional Officer, Tiruvannamalai dated 21.01.2009 and the order of the Tahsildar, Chengam dated 20.11.2014.

6. By order dated 21.01.2009, the Revenue Divisional Officer, Tiruvannamalai, has cancelled the assignment for violating the conditions of the assignment. The order does not indicate any prior notice issued to the petitioner, even though, copy was marked to petitioner's husband. The Tahsildar, Chengam, who, pursuant to the order passed by this court in the writ petition, has conducted



a fresh enquiry, after issuing notice. An order was passed by the Tahsildar on 20.11.2014, after considering the representation of the petitioner. The order dated 20.11.2014, is in compliance of the direction of this court. However, the learned counsel appearing for the petitioner submitted that this order was not communicated to the petitioner and that therefore the petitioner has preferred this contempt petition against the respondent for having violated the order of this court. No materials are placed to show that the order was communicated to the petitioner.

7. Though the respondent has not produced any proof of serving the order, by virtue of the order of the Revenue Divisional Officer dated 21.01.2009, the Tahsildar may not consider petitioner's application. This court does not find wilful disobedience to proceed for contempt against the respondent in the absence of proper evidence. It is open to the petitioner to challenge the order passed by the Revenue Divisional Officer and the Tahsildar, which are produced before this court. From the order dated 21.01.2009, it is revealed that the Revenue Divisional Officer, has cancelled the assignment without even issuing a show cause notice to the petitioner. This court has repeatedly held that, even if there are violations and the assignment is liable to be cancelled for violations of the conditions, the petitioner's vested right, cannot be interfered with, in the manner that is sought to be done in this matter. The order dated 21.01.2009, is not only against the



principles of natural justice, but also illegal, as the Revenue Divisional Officer, has failed to notice that the petitioner also belong to depressed class and alienation after 10 years is permissible as per the orders of the Government. However, this court is not inclined to go into the issues, which can be independently dealt with in the writ petition that may be filed by the petitioner challenging the order of cancellation. Since this court is of the view that the order of this court has been complied with, there is no valid reason to prosecute or proceed with contempt.

8. Accordingly, this contempt petition is closed, with liberty to the petitioner to challenge the order of the Revenue Divisional Officer and the subsequent order of Tahsildar, in the manner known to law. If the petitioner is able to show that the order of the Revenue Divisional Officer was in violation of principles of natural justice, it is made clear that the said order can be impeached as non-est and ignored as void, unconstitutional and invalid. However, there is no order as to cost.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

asr

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.



Cont. Petn. No.810 of 2015

To
The Tahsildar
Chengam Taluk
Tiruvannamalai District