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Cont. P. No. 1386 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

Cont. P. No. 1386 of 2018

Suresh Bafna,
No.22, Mulla Sahib Street,
Sowcarpet, Chennai – 600 079

... Petitioner

-VS-

Thiru.Ramachandran,
Thasildar,
Cheyyur Taluk Office,
Kancheepuram District.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 to punish the respondent for willful disobedience and deliberate act of Contempt of Court committed by the respondent by violating the order dated 16.03.2017 passed by this Hon'ble Court in W.P. No. 6469 of 2017.

For Petitioner : Mr.Muralikumaran
for M/s.McGan Law Firm

For Respondent : Mr.Richardson Wilson
Counsel for the Government

ORDER

This Contempt Petition has been filed for the alleged disobedience of the order of this Court dated 16.03.2017 made in W.P. No. 6469 of 2017.

2. In the said order, this Court has given a direction to the first respondent to pass orders on the applications / representations dated



30.08.2016 and 14.10.2016 submitted by the petitioner, on merits and in accordance with law within a period of eight weeks.

3. In this context, it is the case of the petitioner that, though the said order was passed by this Court on 16.03.2017, where a time frame also was given, no orders have been passed. Therefore, the learned counsel submits that, the respondent has willfully committed the contempt against this Court.

4. However, Mr. Richardson Wilson, learned counsel for the Government appearing for the respondent by relying upon the typed set of documents as well as the counter affidavit filed by the respondent / Tahsildar, would submit that, though there has been a delay in passing the orders and the delay has been explained in the affidavit filed by the respondent, the subsequent incumbent, i.e., subsequent Tahsildar passed an order on 01.06.2018, considering the representation of the petitioner as directed by this Court and the copy of the said order dated 01.06.2018 also has been annexed in the typed set of papers. Therefore, relying upon the same, the learned counsel for the Government submits that, though there is a delay in passing the orders, the order of this Court has been complied with.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this



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6. The learned counsel appearing for the petitioner vehemently contended that, first of all, belatedly, the present order dated 01.06.2018 has been passed and therefore, that itself amounts to contempt, that apart, in the order dated 01.06.2018, the documents filed by the petitioner had not been properly considered by the respondent and probably, they have passed the rejection order stating that, the patta cannot be given after subdividing the property purchased by the petitioner in the year 1993. Therefore, by virtue of that order passed by the respondent dated 01.06.2018, subsequently, the respondent has committed the contempt. Therefore, the Contempt Petition can be proceeded further, he contended.

7. However, this Court, having perused the said order passed by the respondent dated 01.06.2018 as well as the reasons stated for delay in passing the order in the affidavit of the respondent, feels that, there has been some delay, for which, reasons have been adduced by the respondent that, he had been transferred from the said position and new incumbent has come and the issue has been brought to her notice and after considering the same as well as the report submitted in this regard by the Firka Surveyor, she has passed an order on 01.06.2018 and the said delay caused by the respondent can be condoned. Insofar as the merits of the order dated 01.06.2018 is



concerned, this Court cannot go into that aspect. Since it is a contempt proceedings, whether this Court order was willfully disobeyed by the respondent or not and for which, if there is no acceptable or plausible reason is given by the respondent, then only the Court need to proceed further in this Contempt Petition.

8. In this case, the orders have been passed on 01.06.2018 in pursuance or in compliance of the orders of this Court and the said order may be an adverse order from the point of view of the petitioner. However, that would not any way appeal to this Court to proceed against the respondent as it is open to the petitioner to challenge the said order in the manner known to law if he disagree with the said order.

9. In that view of the matter, this Court need not further proceed against the respondent and accordingly, this Contempt Petition is liable to be closed. Hence, it is closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

vji

//Certified to be true copy//

Dated at Madras this the day of 2021.

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CS/06/08/2021



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The Thasildar,
Cheyyur Taluk Office,
Kancheepuram District.