



Contempt Petition No.1886 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

AND

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Contempt Petition No.1886 of 2019

P.Muthuswamy,
No.7/88, North Street,
Manivizhuthan Colony,
Manivizhuthan Post,
Manivizhuthan South Village,
Attur Taluk, Salem District

... Petitioner

Vs.

1)Chinnaponnu,
Manivizhuthan North,
Manivizhuthan South Village,
Manivizhuthan colony Post,
Attur Taluk-636 112, Salem District

2)The Tahsildar,
Attur, Salem District

... Respondents

(R2 – suo motu impleaded vide order dated 03.02.2020 in Cont.P.1886/19)

Contempt Petition filed under Section 11 of Contempt of Courts Act
to punish the respondent for disobeying the order dated 08.04.2019 passed in

W.P.No.874 of 2018.

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



WEB COPY

Contempt Petition No.1886 of 2019

For Petitioner : Mr.K.R.Samratt

For Respondent : Mr.P.Jagadeesan (R1)
Mr.M.Elumalai,
Additional Government Pleader (R2)

ORDER

(Order of the Court made by M.DURAI SWAMY, J.)

By order dated 08.04.2019 in W.P.No.874 of 2018, this Court, recording the submission made on behalf of the 4th respondent to the effect that she would vacate the land in Survey No.398/11 and hand over vacant possession to the 3rd respondent (i.e.) the Tahsildar within a period of ten days, disposed of the Writ Petition. Since the 4th respondent failed to hand over possession as promised on 08.04.2019, the Writ Petitioner has filed the above Contempt Petition seeking to punish the 4th respondent for disobedience of the order passed in the Writ Petition.

2.When the Contempt Petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that the 4th respondent is refusing to vacate the land in Survey No.398/11, which is on a pathway - poramboke and also threatening the officials when they went to the land in dispute to take possession of the property.



3.Mr.P.Jagadeesan, learned counsel appearing for the 4th respondent submitted that since the authorities have not given any alternate land to the 4th respondent, the 4th respondent has not vacated the land in question.

4.Mr.M.Elumalai, learned Additional Government Pleader appearing for the official respondents in the Writ Petition submitted that the authorities had already issued patta in respect of the alternate land in Survey No.469/8 in the same village, however, the 4th respondent is refusing to receive the patta and also refusing to vacate and hand over possession of the land to the 3rd respondent. Further, the learned Additional Government Pleader submitted that the authorities would take appropriate steps to evict the 4th respondent from the land in Survey No.398/11 with the assistance of the Police.

5.Since the authorities had already issued patta in respect of the land in Survey No.469/8, the 4th respondent should vacate and hand over possession of the land in Survey No.398/11 to the authorities. In the case of the 4th respondent refusing to hand over possession, it is open to the authorities to take appropriate steps to take possession of the land with the assistance of the Police. It is open to the 4th respondent to get the patta in respect of the land in Survey No.469/8 and also the possession of the same from the authorities.



WEB COPY

Contempt Petition No.1886 of 2019

6. With these observations, the Contempt Petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

va

//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.

GS/20/05/2021