



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Sub.Appl.(MD)No.325 of 2021
in
Cont.P.(MD).No.1054 of 2014

S.Kalidass

...Applicant/Petitioner/Petitioner

Vs.

1.J.Parthiban

(Formerly Revenue Divisional Officer of
Uthamapalayam Theni District)
The District Revenue Officer,
Vellore,
Vellore District.

2.Ka.Ramesh,

The District Revenue Officer,
Theni,
Theni District.

3.N.Sakthivel

The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

...Contemnors/Contemnors

Prayer: Petitions are filed under Section 151 C.P.C praying to reopen the contempt petition in Cont.P.(MD).No.1054 of 2021.

Prayer in CONT P(MD) . 1054/ 2014 :

This petition is filed under Section 11 of the Contempt of Courts Act, 1971 issue contempt notice to the contemnor for his willful disobedience in the order granted by this High Court in W.P. (MD)No.5534 of 2014 dated 01.04.2014.

Prayer in WP(MD) . 5534/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other writ or order or direction in the nature of

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writ directing the respondent to consider petitioner's representation dated 06.01.2014 for cancellation of patta on merit within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamurthy

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ORDER

Originally, Cont.P.(MD).No.1054 of 2021 was filed by the petitioner herein, questioning non-compliance of an order, dated 01.04.2014 in W.P.(MD).No.5534 of 2014.

2.The said contempt petition came up for consideration before a learned Single Judge of this Court on 11.09.2014, wherein, it had been observed that the competent authority is the District Revenue Officer. Since, the entire issue related to correction of UDR and that enquiry had also been conducted and report had been submitted by the District Revenue Officer to pass order, recording that particular fact, contempt petition was closed.

3.The grievance now raised by the learned Counsel for the petitioner is that the present application/sub application has been filed to re-open the contempt petition, since the District Revenue Officer vide order, dated 12.05.2021, after examining the issues, had stated that he has no authority to examine the issues raised and that the proper authority is the Revenue Divisional Officer. Accordingly, the parties also went before the Revenue Divisional Officer who passed an order on 19.08.2021. It is seen that the order had been passed on the basis of an information/contempt notice, dated 15.03.2021 issued on behalf of the petitioner S.Kalidass by M.Manivasagam, Senior Advocate, High Court and of other parties.

4.After hearing everybody, an order has been passed and forwarded to the petitioner S.Kalidass. The date of the order 19.08.2021 in ந.க.எண் 1575/2019/அ4. Finally, the Revenue Divisional Officer has stated that if any of the parties have objections regarding the said order, they must go back to either the District Revenue Officer or institute a Civil suit. This is an order passed in manner known to law and has to be questioned in manner known to law. If the petitioner is aggrieved, the petitioner may take recourse again in manner known to law questioning the order either by going back to the District Revenue Officer or by instituting a Civil Suit. By filing a sub application in a contempt petition which also been closed, is not the correct approach since, there is no contempt as orders have been passed.



5.Questioning the order, further steps may be taken by the petitioner herein. Therefore, the sub application is not maintainable. It is dismissed.

Sd/-

Assistant Registrar (Crl side)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Revenue Officer,
Vellore,
Vellore District.
- 2.The District Revenue Officer,
Theni,
Theni District.
- 3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

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