



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2021

CORAM

THE HON'BLE MR. JUSTICE SETHILKUMAR RAMAMOORTHY

Cont.P. (MD) No.1450 of 2021

in

W.P. (MD) .No.8329 of 2021

WEB COPY

S.Saravanan

... Petitioner/Petitioner

Vs.

Saravanan,
The Tahsildar,
Taluk Office,
Thiruparankundram,
Madurai District.

... Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of the Courts Act, 1971, to punish the respondent for the willful disobedience of the order passed by this Court in W.P.(MD).No.8329 of 2021 dated 22.04.2021.

Prayer in WP(MD) . 8329 of 2021 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to survey the property in Plots 1,2,3,5 and 6 in Survey No.34/5, subdivided into 34/5B1G (Plot No.1), 34/5B1F (Plot No.2), 34/5B1E (Plot No.3), 34/5B1C (Plot No.5), 34/5B1B (Plot No.6) of Thanakkankulam Village, Thiruprunkundram Taluk, Madurai District and consequently direct the respondents to furnish a report in this regard to the petitioner.

For petitioner : Mr.C.M.Arumugam

For Respondent : Mr.K.S.Selva Ganesan,
Counsel for State.

ORDER

The petitioner alleges wilful disobedience of an order dated 22.04.2021 in W.P.(MD).No.8329 of 2021 by which the respondents were directed to consider the petitioner's representation dated 02.03.2021 and pass orders on the same on merits and in accordance with law.

2. At the hearing today, the alleged contemnor has produced a communication dated 04.10.2021 by which the petitioner was informed that it was not possible to conduct the survey on account of the pending proceedings before the Civil Court.



3. The scope of contempt jurisdiction is limited and the only question to be considered is whether the relevant order was disobeyed wilfully. In the light of the fact that the alleged contemnor has informed the petitioner of the reason for the inability to conduct the survey and such reason cannot be disregarded as not *bona fide*, no case of contempt is made out.

4. Accordingly, Cont.P.(MD).No.1450 of 2021 is closed by leaving it open to the petitioner to institute appropriate proceedings in order to ensure that a survey is undertaken. There will be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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
Mr.Saravanan,
The Tahsildar,
Taluk Office,
Thiruparankundram,
Madurai District.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-33218[F] dated 29/10/2021)

+1 CC to M/s.SPL.GP (SR-33207[F] dated 29/10/2021)

CONT.P. (MD) .No.1450 of 2021
in

W.P. (MD) .No.8329 of 2021
28.10.2021

MGJ/JC(10.11.2021) 2P 4C