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Contempt Petition No.1534 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CONTEMPT PETITION No.1534 of 2022

A.Babu

... Petitioner

VS.

1.K.J.Vetrikumar,
The Tahsildar,
Sholinghur Taluk,
Ranipet District.

2.C.Munusamy,
The President,
VelamPudur Village, Panchayat,
VelamPudur Village,
Sholinghur Taluk, Ranipet District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the Respondent for wilful disobedience of the order dated 27.04.2022 passed by this Court in W.P.No.10827 of 2022.

For Petitioner : Mr.G.Jermeiah

For Respondent : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This Contempt Petition is filed seeking to punish the Respondent for



wilful disobedience of the order dated 27.04.2022 passed by this Court in W.P.No.10827 of 2022.

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2.Mr.G.Jermeiah, learned counsel appearing for the petitioner submitted that, earlier the petitioner filed a Writ Petition, praying for Writ of Mandamus, forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property.

3.This Court vide its order dated 27.04.2022, recording the submission made by the learned Government Advocate, disposed of the Writ Petition by directing the respondents not to evict the petitioner without following the process of law and subsequently, the petitioner filed this Contempt Petition before this Court on the ground that the petitioner's property situated at S.No.251, in which, with the help of the village President they buried a body in the land owned by the petitioner. Pursuant to which, this Court appointed an Advocate Commissioner to inspect the petitioner's property and to measure the same with the assistance of the Taluk Surveyor and to find out as to whether any body is buried in the land owned by the petitioner or not and to file a report before this Court.

4.Accordingly, the Advocate Commissioner has filed a report before



this Court dated 09.09.2022. For better appreciation, the relevant paragraphs of the said report is extracted hereunder:

“13.Nature of the land:S.No.251:

a)The petitioner's land according to the revenue records is classified as “KOOTU KENARU”.

b)The land is agricultural land with dense growth of trees and plants in the western side of the land which made surveying a bit difficult.

c)Adjacent to this land towards the north lies S.No.260 which is classified as “KAANAARU” in the revenue records.

d)Further on enquiry we came to know through the counsellor that the villagers have planter stone fences according to their convenience to demarcate the petitioner's land in S.No.251 and the “KAANAARU” in S.No.260.

e)Further on inspection it was brought to our knowledge that the said village does not have a burial ground and since the land in S.No.260 “KAANAARU” is dry and without water, they have been using it for burying and burning the dead



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bodies burnt/ buried in S.No.260, it was also noticed that there was a god statue fixed by the villagers in the said survey number.

14. We submit that the, the survey was conducted and the measurement of the petitioner's land was marked by laying small stones on the northern side of the petitioner's land to demarcate the end of his land and the beginning of "KAANAARU" in S.No.260.

15. We further submit that it may also be brought to the attention of this Hon'ble Court that the adjacent land in S.No.260 is not on an equal level physically and there is an identifiable difference between the petitioner's patta lands and the KAANAARU as the surface of both lands and unequal. The petitioner's land is high raised and the land where the bodies and statue is there is considerably in a lower surface level.

16. We hence submit that the dead bodies and statutes are present in the "KAANAARU" land which is adjacent to the petitioner's land and not in the petitioner's patta land."

5. On perusal of the report of the Advocate Commissioner, it reveals that the S.No.260 is situated adjacent to the petitioner's patta land in



S.No.251. The Surveyors filed a report stating that the S.No.260 is not on an equal level physically and there is an identifiable difference between the petitioner's patta land and the S.No.260 is classified as “KAANAARU” land and also filed a report saying that there are two bodies buried in “KAANAARU” situated at S.No.260. No bodies were buried in S.No.251.

6.The learned counsel further submitted that, in view of the above, it is an disputed question of fact, which cannot be decided in the Contempt Petition and hence, sought liberty to the petitioner to file a fresh suit before the Competent Court as against the alleged illegal act of the private respondent.

7.In view of the above report, there is no wilful disobedience of the Contemnor, accordingly, this Contempt Petition is closed. However, liberty is granted to the petitioner to workout the remedy before the competent civil court in the manner known to law.

30.09.2022

Index : Yes/No
Speaking Order : Yes/No
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M.DHANDAPANI,J.

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