



Contempt Petition No.2234 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2023

CORAM : JUSTICE N.SESHASAYEE

Contempt Petition No.2234 of 2022

J.Madhava Kumar

... Petitioner

Vs

Mrs.Poongodi

Tahsildar

Office of the Tahsildar

Nattrampalli Taluk

Natrampalli, Thiruppatur District.

... Respondent

Prayer : Contempt Petition filed under Sections 11 of Contempt of Courts Act 1971, to punish the respondent for willful disobedience of the order dated 09.03.2021 in W.P.No.5712 of 2021

For Petitioner : Mr.R.Subramanian

For Respondent : Mr.M.Bindran
Additional Government Pleader

ORDER

This contempt petition is filed alleging willful default of the respondent in not



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complying with the directions of this Court issued vide its order dated 09.03.2021 in W.P.No.5712 of 2021, wherein it had directed the respondent to measure the land of the petitioner situated in S.No.232/7B, Kudiyanakuppam, Tirupattur District.

2. When the matter was posted before this Court on 06.06.2023, the learned Additional Special Government Pleader appearing for the respondent/contemnor submitted that on 25.11.2022, a proceeding was made by the respondent, but neither side cooperated with the surveyor to survey the property. This statement that the petitioner has not co-operated the surveyor, was objected to by the petitioner. However, this Court directed the Tahsildar to comply with the order of the court, and posted the matter for reporting compliance on 07.07.2023.

3. After subsequent adjournments when the matter came up for hearing on 18.08.2023, the learned Additional Special Government Pleader appearing for the respondent submitted that pursuant to the directions of this Court, the surveyor had measured the property and fixed the boundary stones.



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4. The learned counsel for the petitioner now submits that a third party has made obstruction to the surveyor as he was doing his job. The petitioner now files an affidavit, wherein he avers as follows :

"However with the assistance of police personnel by about 11.30 a.m., survey stones were laid with yellow paint and the Tahsilder went away. When I was about to leave, said Muthu Pillai and his hooligans removed the survey stones and threw them away. They also abused me and attempted to kill me. Therefore, I ran away from the place and lodged a complaint before District Superintendent of Police, Deputy Superintendent of Police and Inspector of Police, Jolarpet, seeking police protection also.

5. The learned counsel for the petitioner submits that the respondent, inasmuch as he has removed the boundary stones, is also liable for contempt, and also added that the Tahsildar himself has given the complaint reporting about the obstructions made by Muthu Pillai, even as he was discharging his official duty in terms of the directions given by this Court.

6. The order passed by this Court in W.P.No.5712 of 2021, in effect directs the



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Tahsildar to measure the land and fix the boundary stones. Despite obstructions from the aforesaid Muthu Pillai, the Tahsildar did his job, and the surveyor also planted the survey stones. And even going by the statement of the petitioner in paragraph No.4 of his affidavit, Muthu Pillai had removed the stones, after the Tahsildar and Police officials had left the place. Now once the job is done by a public official based on the directions of this Court, the surveyor concerned is discharged of his duties, and what had happened thereafter is a private wrong between the petitioner and Muthu Pillai.

7. This Court does not intend to interfere with the private wrong which was alleged to have been committed after the compliance of the order by the surveyor concerned. The contempt petition is closed and the petitioner is now at liberty to work out his remedy before the appropriate forum, in the manner known to law.

25.08.2023

Index : Yes / No
Speaking order / Non-speaking orders



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N.SESHASAYEE.J.,

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