



Cont.P.No.2440 of 2022
and W.M.P.No.25721 of 2022 in W.P.No.19770 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cont.P.No.2440 of 2022
and W.M.P.No.25721 of 2022 in W.P.No.19770 of 2022

Cont.P.No.2440 of 2022

Ayyappan

.. Petitioner

Vs.

Tmt.S. Asiya,
The Tahsildar,
O/o. The Tahsildar,
Gobichettipalayam – Post & Taluk,
Erode District.

.. Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for non-compliance of the order for wilfully and wantonly disobeyed made in W.P.No.19770 of 2022 dated 29.07.2022 as per the contempt of Courts Act.

For Petitioner : Mr.D. Veerasekaran

For Respondent : Mr.T.K. Saravanan,
Government Advocate

W.M.P.No.25721 of 2022 in W.P.No.19770 of 2022



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- 1.The District Collector,
O/o. The District Collector Office,
Erode Post & District.
 - 2.The Revenue Divisional Officer.
The Revenue Divisional Office,
Gobichettipalayam Post & Taluk,
Erode District.
 - 3.The Tahsildar,
O/o. The Tahsildar,
Gobichettipalayam – Post & Taluk,
Erode District.
- 3

.. Petitioners/Respondents 1 to

Vs.

- 1.Ayyappan
- 2.Thangavel
- 3.Eswaran
- 4.Murugesan
- 5.Rani
- 6.Andamuthu
- 7.Sellappan

.. Respondents

Prayer: Writ Miscellaneous Petition filed under Article 226 of the Constitution of India praying to modify the order and a direction may be issued to the second petitioner/second respondent herein, the Revenue Divisional Officer, Gobichettipalayam to consider the petitioner's representation dated 20.07.2022 instead of third respondent, the Tahsildar, Gobichettipalayam in W.P.No.19770 of 2022, order dated 29.07.2022.

For Petitioners : Mr.T.K. Saravanan,



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Government Advocate

For Respondents : Mr.D. Veerasekaran

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COMMON ORDER

This Contempt Petition has been filed by the petitioner praying to punish the contemnor for wilful disobedience of the order passed by this Court in W.P.No.19770 of 2022, dated 29.07.2022.

2. The case of the contempt petitioner is that the petitioner has given a representation about the unauthorised laying of pipeline to the Revenue Divisional Officer and the Tahsildar and when the same was not considered, he filed a writ petition in W.P.No.19770 of 2022, praying to direct the second and third respondents therein to consider his representation requesting for cancelling the permission given to the respondents 4 to 9, for laying pipeline in the petitioner's land without his permission. This Court vide its order dated 29.07.2022, issued a direction to the respondent/Tahsildar to consider the petitioner's representation and pass appropriate orders. However, the said order passed by this Court was not complied with by the respondent and hence, the contempt petition has been filed before this Court.



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3. The respondent/Tahsildar and other official respondents filed W.M.P.No.25721 of 2022 in W.P.No.19770 of 2022 on the ground that the proceedings of the respondent/Tahsildar dated 11.05.2018 was already considered by this Court in W.P.No.30299 of 2019 dated 19.08.2020 and this Court upheld the aforesaid proceedings. Thereafter, an appeal was filed against this order in W.A.No.2864 of 2021 before the Hon'ble Division Bench and the Hon'ble Division Bench vide order dated 27.06.2022 confirmed the order passed in W.P.No.30299 of 2019. Further, in connection with the aforesaid proceedings, a criminal original petition was filed in CrI.O.P.No.26273 of 2018 by the beneficiary of the aforesaid proceedings and this Court issued a direction to give police protection to lay the pipeline. When the same was not considered, the beneficiary filed contempt petition in Cont.P.No.1188 of 2021 and the District Collector, in compliance of the order of this Court, filed a detailed status report before this Court and the matter was adjourned to 16.09.2022. Without knowing the pending proceedings, the contempt petitioner filed a writ petition in W.P.No.19770 of 2022, to dispose of his representation in connection with the proceedings of the third respondent/Tahsildar dated 11.05.2018.

4. The learned counsel for the petitioners in W.M.P.No.25721 of 2022,



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would submit that since the representation of the contempt petitioner to revisit the said proceedings is not within the jurisdiction of the third petitioner/Tahsildar and the second petitioner/Revenue Divisional Officer is the competent authority to review, modify, cancel and exempt, a direction may be issued to the Revenue Divisional Officer to consider the petitioner's representation dated 20.07.2022 instead of the Tahsildar and the order of this Court dated 29.07.2022 passed in W.P.No.19770 of 2022, may be modified to the said effect.

5. In view of the above submission made by the learned counsel for the petitioners in W.M.P.No.25721 of 2022, the earlier order passed by this Court in W.P.No.19770 of 2022 dated 29.07.2022, is modified to the effect that the Revenue Divisional Officer is directed to consider the petitioner's representation dated 20.07.2022 and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order. W.M.P.No.25721 of 2022 in W.P.No.19770 of 2022, is ordered accordingly.



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M.DHANDAPANI, J.

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6. In view of the modification ordered in the writ petition, the Contempt Petition stands closed with liberty to the petitioner to agitate his grievance, if the order is not complied with.

11.11.2022

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