



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

Sub.A(MD)No.34 of 2022

in

Cont.P(MD)No.272 of 2021

Pangajam : Petitioner

Vs.

M.Aravind, I.A.S.,
The District Collector,
Kanyakumari,
Kanyakumari District. : Respondent

PRAYER: Petition filed under Section 151 C.P.C. to re-open the Contempt Petition in Cont.P.(MD)No.272 of 2021.

Prayer in cont.P(MD).No.272 of 2021:

This petition filed under Section 11 of Contempt of court Act, praing this Court to initiate contempt proceedings against the contemnot/Respondent No.1 punish him for the wilful disobedience of the order of this Hon'ble Madurai Bench of Madras high Court in WP (MD).No. 9648 of 2014 dated 04/08/2014.

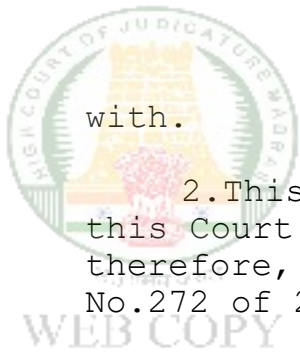
Prayer in WP(MD). 9648/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the proceedings passed by the 2nd respondent herein in Roc.No. B4/5788/2013(16) dated 12.05.2014 and quash the same and consequently direct the respondents to restore the patta and possession of the petitioner s land in an extent of 62 cents in Re survey NO. 84/5 and 84/7 in Kanyakulam Village, Agasteeswaram Taluk, Kanyakumari District to the petitioner herein.

For Petitioner :Mr.T.Lajapathi Roy
For Respondent :Mr.D.Gandhiraj,
Special Government Pleader

O R D E R

The petitioner has filed the contempt petition in Cont.P(MD) No.272 of 2021 alleging non-compliance of the orders of this Court in W.P.(MD)No.9648 of 2014, dated 04.08.2014. The said contempt petition was closed on 19.03.2021 by recording the submission of the learned Special Government Pleader that the order has been complied



with.

2.This sub application is filed complaining that the orders of this Court in W.P.(MD)No.9648 of 2014 has not been complied with and therefore, sought to reopen the contempt petition in Cont.P(MD) No.272 of 2021.

3.Perusal of document shows that the Revenue Divisional Officer, Nagercoil, in ROC.No.B4/5788/2013, dated 10.03.2021, has held as follows:-

"In obedience of the order of the Hon'ble Madurai Bench of High Court in WP(MD)9648/2014, it is complied by ordering that an extent of 37.575 cents in R.S.No.84/5 of Kaniyakulam Village of Agasteeswaram Taluk is restored to its previous position as on 11.05.2014, as "Pankajam w/o Samipillai" and this order is subject to the outcome of the orders passed by the Hon'ble Apex Court, in the SLP preferred as in the reference 8th cited. With regard to R.S.84/7, the name of the Writ Petitioner was not found in the revenue records and due to this discrepancy, the writ petitioner is instructed to appear before Revenue Divisional Officer and submit all records for enquiry after Election model code of conduct is over and based on the enquiry, separate order will be issued.

The Tahsidlar, Agasteeswaram is directed to take immediate action to make necessary mutation in revenue records and report compliance."

However, there is no averment in the sub application as to whether the petitioner appeared and placed the materials before the revenue authorities.

4.In the absence of any such materials, this Court is not inclined to entertain this sub application. Accordingly, this application stands closed, with liberty to the petitioner to appear before the revenue authorities and place the materials, as per the proceedings of the Revenue Divisional Officer, Nagercoil, in ROC.No.B4/5788/2013, dated 10.03.2021.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk



To

The District Collector,
Kanyakumari,
Kanyakumari District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-18742[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-19186[F] dated 18/04/2022)

Sub.A(MD)No.34 of 2022
in
Cont.P(MD)No.272 of 2021
12.04.2022

SE(CO)
KB(26.04.2022) 3P 4C