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CONT.P.(MD)No.1125 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CONT.P.(MD)No.1125 of 2022

In

W.P.(MD).No.2795 of 2022

S.Suhasini

...Petitioner/--

.Vs.

Simranjeet Singh Kahion,
Commissioner of Corporation,
Madurai Corporation Office,
Madurai District.

...Contemnor/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court to punish the respondent herein for committing grave contempt and gross disobedience of the order passed by this Court in W.P.(MD).No.2795 of 2022 dated 11.02.2022.

For Petitioner : Mr.Chamundi Bose

For Respondent : Mr.S.Vinayak,
Standing Counsel.



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ORDER

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Alleging wilful disobedience of the order passed by this Court in W.P.(MD).No.2795 of 2022, this Contempt Petition has been filed.

2. The learned Counsel appearing for the petitioner submitted that this Court, by order dated 11.02.2022, in W.P.(MD).No.2795 of 2022, directed the respondent, namely, the Commissioner of Corporation, Madurai to consider the petitioner's representations, dated 10.11.2008, 18.12.2019 and 21.01.2022 and pass appropriate orders on merits within a period of eight (8) weeks and further directed to issue notice to the concerned parties who are likely to be affected by the orders to be passed by the respondent.

3. The contention of the petitioner is that the properties situated in Door No.78 in T.S.No.1207 in Ward No.34 measuring to an extent of 7800 square feet in Petchiamman Paduthurai Road, Madurai was an ancestral property. The petitioner's grand-father namely, Venkatasamy Naidu was in possession and enjoyment of the property. Apart from this, there was also some vacant place in the property. The petitioner's grand-mother, Saraswathiammal, petitioner's uncle, Gopichandaran and



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petitioner's father, Suresh Mohan were the legal heirs of the above mentioned property. After the demise of the petitioner's grand-father and grand-mother, the petitioner's uncle managed the property and he also died on 28.08.1993. Thereafter, the petitioner's father being the only legal heirs of the family, filed a Writ Petition in W.P.(MD).No.2759 of 2022. The petitioner's grand-father leased out some portion of vacant site on the western portion of the property to various persons. They paid rent to the petitioner's grand-father. The southern part of the property measuring 90x10 was leased out to one Pitchai for the purpose of tethering cattle. Without the consent of the petitioner's family, the said Pitchai illegally put up a thatched structure and had also transferred the Tax Assessment Order in his name bearing Tax Assessment No.59631 for Door No.78. The petitioner's father came to know about the same, filed a declaration suit and sought for Mandatory Injunction challenging the Tax Assessment order before the learned District Munsif Court, Madurai in O.S.No.601 of 2003 in contrary the Pitchai had filed a suit for Permanent Injunction before the learned District Munsif Court, Madurai in O.S.No. 725 of 2003. Both the suits were heard together and common judgment was passed on 31.08.2005. The judgment set aside the tax assessment order and declared the Tax Assessment No.59631 as null and void.



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Thereafter, the petitioner's father had taken steps to remove the super-structure. Since no action was taken, the petitioner's father filed W.P. (MD).No.2795 of 2022 to remove the super-structure bearing Tax Assessment No.59631 in the name of Pitchai. Thereafter, the petitioner's father received a letter bearing Na.Ka.No.B3/00237/2022 dated 25.04.2022 from the office of the Assistant Commissioner Madurai Corporation, directing them to produce the relevant documents. In the meanwhile, the petitioner's father passed away on 08.04.2022. As a legal heir, the petitioner submitted the documents dating from 1950 to till date including the tax receipts and other documents. Since no action has been taken, a Contempt Notice was issued on 19.05.2022 followed by the above petition.

4. The learned counsel appearing for the respondent submitted that the petitioner as well as the legal heir of Pitchai, namely, Bommiyammal were called for enquiry to produce all the relevant documents on 14.07.2022. The petitioner had produced six documents including Court orders. Likewise, Bommiyammal had produced five documents. From the documents submitted, the Enquiry Officer, viz., the Assistant Commissioner Corporation, Chennai, found that Appeal Suit No.249 of



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2005 and Appeal Suit No.250 of 2005 were allowed in favour of the said Pitchai. Further, it is seen that with regard to the said property and tax assessment order, R.L.T.O.P.No.62 of 2022 is pending before the District Munsif Court, Madurai.

5. I have considered the matter in the light of the submissions made by learned counsel for both the parties and perused the records.

6. Perusal of the records reveals that the Court proceedings are pending with regard to the said property. Enquiry report was filed and produced before this Court. It is seen that the enquiry was closed on 28.07.2022, directing the petitioner and the rival claimant, legal heir of Pitchai, Bommiyammal to approach the concerned Court and obtain orders. Based on the Civil Court orders, necessary amendments/corrections should be made in the property Assessment Tax receipt.

7. Considering the submissions and perusal of the enquiry report, it is seen that the respondents have conducted enquiry, heard the petitioner as well as the legal heir of Pitchai, Bommiyammal, received documents



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and thereafter passed orders in ந.க.எண்.மஃ B3/00237/2002 dated 28.07.2002. In view of the same, this Court finds that order of this Court in W.P.(MD).No.2795 of 2022 has been complied with.

8. Recording the same, this Contempt Petition is dismissed not maintainable.

28.07.2022

Index:Yes/No
Internet:Yes/No
Nsr

To

The Commissioner of Corporation,
Madurai Corporation Office,
Madurai District.



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M.NIRMAL KUMAR, J.

Nsr

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In
W.P.(MD).No.2795 of 2022

28.07.2022