

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CONT.P.(MD)No.840 of 2022

Soosai Manickam

...Petitioner/
Petitioner

.VS.

Mr.S.Palanivel,
The Block Development Officer,
Block Development Office,
Alangulam,
Tenkasi District.

...Contemnor/
2nd 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.21227 of 2021 dated 31.11.2021.

For Petitioner :Mr.S.Selvakumar

For Respondent :Mr.P.Subbaraj
Special Government Pleader

ORDER

The petitioner filed W.P(MD)No.21227 of 2021 seeking direction to direct the respondents to issue house tax receipt to the petitioner in respect of Survey No.175/1C situated at Keela Veeranam, Veerakeralampudur Taluk, Tenkasi District by considering the petitioner's representation, dated 10.09.2021. This Court, by order dated, 30.11.2021 directed the second respondent therein to consider the petitioner's representation on its own merits within one month i.e., on or before 30.12.2021. Thereafter, the petitioner's representation was not considered. Hence, he filed this contempt petition on 15.06.2022.

2. He further submitted that the rejection order passed on 08.07.2022. This Court, on an earlier occasion, enquired with regard to the communication, dated 08.07.2022 in Na.Ka.No.A3/4125/2021 issued by the Block Development Officer, Alangulam in which CMP(MD)No. 6074 of 2019 is being referred for rejecting the petitioner's plea of assessing the house tax.

3. Since there was no reference to the order of this Court in W.P(MD).No.21227 of 2021, to explain the same, today, the Block

Development Officer present before this Court and filed an affidavit stating that one Mr.Pandarakannu filed CMP(MD).No.6074 of 2019 in S.A(MD).No.301 of 2019 before this Court. In CMP(MD).No.6074 of 2019, by an order dated 11.07.2019, stay with regard to the mandatory injunction granted, which was considered and followed. Hence, the same was found in the letter and the petitioner's writ petition number was not mentioned, though it was considered. The Block Development Officer also produced the newly constructed house of the petitioner, which is in dispute with Mr.Pandarakannu. Both the petitioner and Mr.Pandarakannu have common ancestors and they are enjoying inherited property and they have a dispute over the sharing of property among themselves. The patta of the property stands in the name of Asirvatham. The said Asirvatham is the brother of the petitioner and cousin of Pandarakannu.

4. Admittedly, there is a civil suit pending between them from the year 2001. The petitioner filed O.S.No.67 of 2001 before the Principal District Munsif Court, Tenkasi and the suit was decreed in favour of the petitioner. Thereafter, appeal filed in A.S.No.36 of 2004, which was dismissed before the Additional Sub Court, Tenkasi confirming the judgment of the Trial Court. Against which now S.A(MD).No.301 of

2019 filed by Pandarakannu and one Chellappa, which is not in dispute. This Court passed an order of mandatory injunction and the officials for that reason, unable to consider the petitioner's representation earlier and thereafter, now rejected, giving categorical reason, that in the event of the petitioner succeeding in civil case, petitioner's house would be assessed for property tax.

5. This Court finds no reason to issue notice in the contempt petition. In view of the explanation given and perusal of the materials and the same reason given by the Panchayat President, Keela Veeranam for rejecting the petitioner's plea, this Court is not inclined to entertain this petition. Hence, this petition stands closed. No costs.

25.07.2022

Index:Yes/No
Internet:Yes/No
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To

The Block Development Officer,
Block Development Office,
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M.NIRMAL KUMAR, J.

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