



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Wednesday, the Twenty Third day of November Two Thousand and Twenty
Two

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PRESENT

The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN

SUB A(MD) . No.125 of 2022
in
Cont P(MD)No.317 of 2022

Neelakandan

... Petitioner/Petitioner

Vs

1 Sathiyavalli
Tahsildar, Tahsildar Office, Thiruvenkadam
Taluk, Tenkasi District.

2 Aravindan,
The Head Surveyor, Tahsildar Office,
Thiruvenkadam Taluk, Tenkasi District.

... Respondents/Respondents

Prayer in SUB A(MD) . No.125 of 2022:-

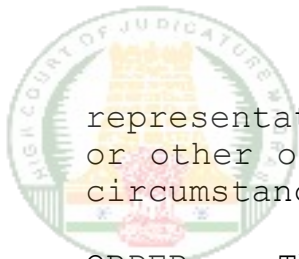
This Sub Application Petition filed Under Section 151 of C.P.C to re-Open the Contempt Petition in Contempt Pet.(MD).No.317 of 2022 in W.P(MD).No.15336 of 2021 dated 18-02-2022 and thus render justice.

Prayer in Cont.P(MD)No.317 of 2022:-

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents herein for committing grave contempt and gross disobedience of the order passed by this Court in W.P.(MD)No.15336 of 2021, dated 31.08.2021.

Prayer in WP(MD)No.15336 of 2021:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ or order or direction in the nature of WRIT OF MANDAMUS directing the respondents 1 and 2 to survey the land in survey No.268/2A, with an extent of 0.24.00 hectar is situated at Kalappankulam Village, Thiruvenkadam Taluk, Tenkasi District at that time the 4th respondent by giving police protection on the basis of the



representation dated 07.08.2021 and 12.08.2021 and pass such order or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER:- This Sub Application Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. S. Selvakumar, Advocate for the Petitioner and of Mr. D. Sadiq Raja, Additional Government Pleader for the respondents, this Court made the following order:

The Sub-Application has been filed to re-open the Contempt Petition in Cont.P(MD)No.317 of 2022 in W.P(MD)No.15336 of 2021, dated 18.02.2022.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The Writ Petition in W.P(MD)No.15336 of 2021 has been filed to direct the respondents to survey the land in S.No.268/2A with an extent of 0.24.00 hectare situated at Kalappankulam Village, Thiruvankadam Taluk, Tenkasi District at that time the fourth respondent by giving police protection on the basis of the representation, dated 7.8.2021 and 12.8.2021, in which, this Court in its order dated 31.8.2021, held that the authorities to conduct the survey if there is no impediment or objection or rival claim, consider the representations of the Petitioner for conduct the survey and pass appropriate orders and communicate the same to the Petitioner, within a period of 12 weeks.

4. The above contempt Petition was filed and the same was closed, stating that the orders made in the writ petition has been complied with.

5. The Petitioner has filed the above Sub-Application in the Contempt Petition to re-open the above contempt petition. This Court directed the revenue authorities to be present and they would submit that the Petitioner's land has not been measured due to the dispute between the Petitioner and respondents and that report was received from the Village Administrative Officer and the Police and the survey was postponed without mentioning the date. Further the respondents one Kumarandi and Subbian, son of Late. Irulan have given complaint to the District Administration and after receipt of report from the District Revenue Officer, survey will be conducted. He would further submit that the contempt petition was closed on the date when there was no appearance on behalf of the Petitioner. Further the land in question belongs to the Government and it was in now in possession of the Petitioner's sister one Muthulakshmi and hence, if the Petitioner is aggrieved on the inaction on the part of the Government, he can very well approach the competent civil Court for necessary relief, in the manner known



SUB A(MD)



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to law. Hence this Court finds no reason to re-open the Petition, which was already closed by this Court

6. Accordingly, the Sub-Application stands dismissed. No costs.

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Sd/-

Assistant Registrar (CS I)

// True Copy //

/12/2022

Sub Assistant Registrar(CS)

TO

- 1 Sathiyavalli
Tahsildar, Tahsildar Office, Thiruvenkadam
Taluk, Tenkasi District.
 - 2 Aravindan,
The Head Surveyor, Tahsildar Office,
Thiruvenkadam Taluk, Tenkasi District.
- + 1c.c. To Spl G.P.SR.No.57368

ORDER DATED : 23/11/2022

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ORDER

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SUB A(MD) . No.125 of 2022
in
Cont P(MD) No.317 of 2022

Giving direction and etc.
as stated within.

SS/02/12/2022/ 3P 4C