



Cont.P.(MD).No.1398 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:07.11.2022

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cont.P.(MD).No.1398 of 2022

in

W.P.(MD).No.6282 of 2022

Leela @ Thiruvengadathammal

... Petitioner

vs.

1.Mr.Issaki Pandian,
The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

2.Ms.Chitra,
The Taluk Surveyor (Land Survey),
Nanguneri Taluk,
Tirunelveli District.

... Contemnors

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnors for their wilful and deliberate disobedience of the order dated 06.04.2022 passed in W.P.(MD).No.6282 of 2022 by this Court.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.D.Gandhiraj

Special Government Pleader



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ORDER

This Contempt Petition has been filed to punish the contemnors for their wilful and deliberate disobedience of the order of this Court in W.P. (MD).No.6282 of 2022, dated 06.04.2022.

2. This Court, by order dated 06.04.2022, in W.P.(MD).No.6282 of 2022, directed the respondents to survey and fix the boundaries in the petitioner's lands comprised in Patta No.4063 in S.Nos.728/4E15, 728/4E11, 728/4EB, 728/4E2, 728/4E13, 728/4E14, 728/4E12 situated at Karanthaneri Village, Nanguneri Taluk, Tirunelveli District.

3. When the matter is taken up for hearing, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents has produced the report of the Revenue Tahsildar, Nanguneri, dated 18.10.2022 in Na.Ka.A5/1196/2022 and submitted that as per the order of this Court, the Taluk Surveyor and other officials went for measuring the petitioner's land and the said land was full of juliflora trees. After that, the petitioner was directed to remove the same, in order to measure the said lands by the said Tahsildar concerned. Accordingly, appropriate



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notices were issued and the petitioner was not in town and on 07.10.2022 and 08.10.2022, the Taluk Surveyor went to the petitioner's land and they could not measure the same.

4. Regarding S.Nos.728/4E11, 728/4E12, 728/4E8 and 728/4E2, the same were measured and four boundaries were shown to the parties concerned. Regarding S.Nos.728/4EB and 728/4E2, the same have been classified as road in Grama Natham. Regarding S.No.728/4E13, objection has been raised by some third parties stating that their forefathers' cemeteries are available and they do not allow them to measure the same. The petitioner's son and her Advocate insisted that only after placing the survey stones in S.No.728/4E13, the other lands in S.Nos.728/4E14 and 728/4E15 to be measured. Hence, they could not measure the S.Nos.728/4E13, 728/4E14 and 728/4E15 and they returned.

5. The petitioner's properties stand as a joint patta, but some of the third parties are in possession and enjoyment of the same for the past 60 years by way of oral sale. But no such document was produced to prove the same and they have also objected for measuring the said lands.



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6. In view of the above, the petitioner has to approach the competent Court, in case if she is not in possession of the lands in S.Nos. 728/4E13, 728/4E14 and 728/4E15, for recovery of possession. Thereafter, the authorities will measure the properties with police protection by the Inspector of Police, Pudukottai Police Station, Tuticorin District, on payment of necessary charges.

7. With the above observation, the Contempt Petition is closed.

07.11.2022

akv

To

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V.BHAVANI SUBBAROYAN,J.

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