



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cont.P(MD).No.1443 of 2022

in

W.P(MD).No.19132 of 2021

S.Kaliyappan

... Petitioner/Petitioner

Vs.

Saravanavasan
The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai,
Dindigul District.

...Contemnor/ Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to take appropriate proceedings under the Contempt of Court Act and punish the respondent/contemnor for his wilful, disobedience of order of this Court in W.P(MD).No.19132 of 2021 dated 28.10.2021.

Prayer in WP(MD). 19132/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 2nd and 3rd respondents herein to measure and demarcation of the petitioners property in Survey No.267 / 3C, 268/1,269 / 2,270 / 2A,279 / 1C, 279 / 2B, 279 / 2F and 280 / 1 situated at Palayam Village , Gujiliyamparai Taluk, Dindigul District with assistance of the 4th respondent herein based on Petitioners representation dated 21/08/2021.

For Petitioner

: Mr.G.Gomathi Sankar

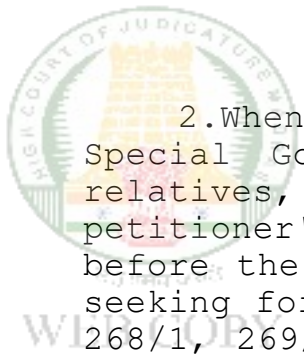
For Respondent

: Mr.D.Gandhiraj

Special Government Pleader

O R D E R

This Court, by order dated 28.10.2021, directed the respondent to consider the petitioner's representation, dated 21.08.2021 and dispose of the same, by a reasoned order, after providing a reasonable opportunity to the petitioner, the private respondents therein and any other owners of adjoining parties whose boundaries may be impacted by the conduct of a survey, within a period of three months.



2. When the matter was taken up for hearing, the Special Government Pleader would submit that the petitioner's relatives, namely, the private respondents objected to survey the petitioner's land as if there is a civil proceedings is pending before the District Munsif Court, Dindigul, in O.S.No.340 of 2022 seeking for partition in respect of the land in Survey Nos.267/3C, 268/1, 269/2, 270/2A, 279/1C, 279/2B, 279/2F and 280/1. When the civil proceedings is pending, the respondent could not proceed further and survey the said property.

3. It is the submission of the learned counsel for the petitioner that there was a oral partition some 60 years ago.

4. In view of the submission of the learned Additional Public Prosecutor that due to the pendency of civil proceedings, the authorities were not able to measure the property of the petitioner as there was objection raised by the petitioner's relatives, this Contempt Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/11/2022

Sub Assistant Registrar (CS)

Rmk

To:

1. The Tahsildar,
Gujiliyamparai Taluk,
Gujiliyamparai,
Dindigul District.

2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.GOMATHISANKAR, Advocate (SR-49545[F] dated 14/10/2022)

+1 CC to M/s.SPL.GP (SR-50090[F] dated 18/10/2022)

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