



Cont.P(MD)No.407 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

Contempt Petition(MD)No.407 of 2013
and
Sub Application(MD)No.166 of 2022

G.G.Shakila

... Petitioner

vs.

Mr.Anshul Misshra, I.A.S.,
District Collector,
Madurai District,
Madurai.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent herein for his wilful disobedience of the order passed by this Court in W.P(MD)No.1894 of 2013 dated 01.02.2013.

For Petitioner	: Mr.T.R.Subramanian for Mr.R.Ramachandran
For Respondent	: Mr.Veera Kathiravan Additional Advocate General assisted by Mr.K.Balasubramani Additional Government Pleader



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ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Alleging non compliance of the order passed by this Court in W.P(MD)No.1894 of 2013 dated 01.02.2013, this contempt petition is filed.

2. The petitioner filed the aforesaid writ petition to consider his representation dated 19.11.2012 seeking to change the free house site patta given to him in R.S.No.11/1, Plot No.48, Nilayoor I Bit, Madurai South Taluk to any other plot in R.S.No.13, Nilayoor I Bit, Madurai South Taluk or any other nearing place. The Writ Court by order dated 01.02.2013 directed the respondent herein to consider the representation of the petitioner dated 19.11.2012 and pass appropriate orders within a period of four weeks. This Court by order dated 15.11.2022 finding that no steps were taken by the authorities to comply with the aforesaid order despite the periodical directions issued by the different Division Benches of this Court, ordered to issue statutory notice to the respondent.

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3. Pursuant to the statutory notice, the respondent is present before this Court. Learned Additional Advocate General appearing for the respondent has placed the order passed by the District Revenue Officer, Madurai, in Na.Ka.No.12142/2013/J4 dated 08.04.2013 and submitted that the said authority who is competent to consider the representation of the petitioner, has considered the representation of the petitioner and rejected the same. However, the petitioner has not impleaded the District Revenue Officer, Madurai, as a party in the writ petition and therefore, there is no wilful disobedience on the part of the respondent/District Collector, Madurai District.

4. We are of the view that as per the Revenue Standing Orders, the competent authority to consider the claim of the petitioner to change the free house site patta is the District Revenue Officer. Though the learned Additional Advocate General submitted that the petitioner has not impleaded the District Revenue Officer, Madurai, such plea was not raised in the writ petition to enable this Court to issue direction to the appropriate authority. However, now the



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competent authority has passed the order dated 08.04.2013 rejecting the request of the petitioner. Record of proceedings shows that after 18.06.2013, the contempt petition was not listed for hearing and both the parties did not make efforts to list the case. Even on 15.11.2022, when this Court ordered for statutory notice, the said order dated 08.04.2013 was not brought to the notice of this Court.

5. Be that as it may, since the order of this Court is complied with, the Contempt Petition is closed. The appearance of the respondent is dispensed with. Connected Sub Application is closed.

[D.K.K.,J.] & [R.V.,J.]
13.12.2022

Index : Yes / No
Internet : Yes
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To

Mr.Anshul Misshra, I.A.S.,
District Collector,
Madurai District,
Madurai.

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and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
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DATED : 13.12.2022