



Cont.P.No.443 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.No.443 of 2023
and Sub.Appl.No.113 of 2023

B.Kasthuri

... Petitioner

-Vs-

1. Mr.Shankaralingam
The Revenue Divisional Officer,
Villupuram Division,
Villupuram District.

2. N.Balasubramanian,
The District Registrar,
Thindivanam,
Villupuram District.

3. Mr.Govarthanan,
The Tahsildar,
Vanoor Taluk,
Villupuram District.

4. T.Rajaraman,
The Sub-Registrar,
Vanoor Taluk,
Villupuram District.

5. K.Kaliyaperumal

... Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents 1 and 3 for committing



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grave contempt and gross disobedience of the order passed by this Hon'ble Court in W.P.No.13311 of 2022 dated 25.05.2022

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For Petitioner : Mr.A.Rajarajan

For Respondents : Mr.T.Arun Kumar (for R1 to R4)
Additional Government Pleader

ORDER

The Contempt Petition has been filed to punish the respondents 1 and 3, for the willful disobedience of the orders passed by this Court on 25.05.2022 in WP No.13311 of 2022.

2. The order passed by this Court, is extracted hereunder.

“8. In the event of allowing the revenue authorities to decide the application for grant of patta, cancellation of patta or mutation of revenue records, the rights of the parties would be prejudiced and there is a possibility of further confusion or dispute based on such revenue orders.

9. This being the principles to be followed, this Court is inclined to consider the writ petition. Accordingly, the respondents 1 and 3 are directed to keep all the revenue proceedings in abeyance till the finalization of the civil proceedings between the parties. After reaching finality in respect of the rights of the parties, either of the parties is at liberty to approach the competent revenue authority by filing an application for grant of patta, cancellation of patta or mutation of patta, as the case may be, by following the procedures as contemplated under the Act and Rules.



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10. With these directions, the Writ Petition stands disposed of.

No costs.”

3. The petitioner states that despite the orders, directing to keep the revenue proceedings in abeyance, the authorities have issued pattas in favour of the private respondents in the writ petition and therefore, they have committed Contempt of Court willfully.

4. The Joint Commissioner (Land), Commissioner of Land Administration Department, Chepauk, Chennai, has filed a status report, admitting the violation in respect of the patta issued by the authorities competent without reference to the directions issued by this Court.

5. The learned Additional Government Pleader appearing on behalf of the official respondents made a submission that it is true that the authorities have issued patta in violation of the orders of the Court, however, there was a miscommunication and moreso, the authorities, who issued patta failed to verify the Suit Register, which was maintained in the office before issuing the patta. Thus, the patta was issued inadvertently and without any intention by the competent authorities.



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However, on filing of the Contempt Petition, the patta granted in violation of the Court orders, was restored and appropriate departmental disciplinary proceedings were initiated against the officials, who have committed dereliction of duty, negligence and lapses in the matter of implementation of the orders of this Court.

6. In this regard, the Status Report filed by the Joint Commissioner (Land), Commissioner of Land Administration Department, Chepauk, Chennai, reads as under:

“3.It is respectfully submitted that whenever the direction/orders of Hon'ble High Court are received in this office, the same will be communicated to the District Administration by this office for compliance. Whereas every Revenue Office in the District (i.e.) Collectorate / RDOs office, and taluk office are maintaining a suit register for follow up action (i.e.) filing Counter Affidavits, to update the stay orders in cases, and any direction in the case issued by Hon'ble High Court and for further appeal etc. As such the disciplinary actions are taken against the concerned officials for any non-compliance of the orders of the Hon'ble High Court.

4. It is respectfully submitted that, in this office circular no.K3/27160/2008 dt. 12.03.2018, instructions were issued to District Revenue Officers / Revenue Divisional Officers / Tahsildars to avoid conflicting discussions and creations of conflicting interests between the parties in cases where title dispute is pending as per the orders of Hon'ble High Court of Madras in WP No.9215 of 2003 dated



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23.10.2013.

5. It is respectfully submitted that in online Patta Transfer portal, a provision is made available for blocking the Survey Number of the land where title dispute is pending or stay order issued by the Hon'ble High Court for further mutation of records. This can be done by Taluk Tahsildar and necessary work flow has been created in this regard and adequate training has been given.

6. It is respectfully submitted that further instructions from this office will once again be issued to reiterate and follow it scrupulously.

7. It is respectfully submitted that in this instant case, the District Collector has initiated disciplinary action against the concern Tahsildar Vanur Taluk, VAO, Head and Surveyor”

7. In view of the fact that the District Collector, has taken action in respect of the irregularity committed by the competent authorities without noticing the directions of this Court, no further consideration is required and moreso, the order has already been implemented by restoring the earlier proceedings. Thus, the Contempt Petition stands closed. No Costs. Consequently, the connected Sub Application is also closed.

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Index: Yes/No
Speaking/Non-speaking order.
Neutral Citation: Yes/No.
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S.M.SUBRAMANIAM, J.

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