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Contempt Petition No.981 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R. MAHADEVAN
and
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

Contempt Petition No.981 of 2023

Adhikesavareddy

.. Petitioner

Versus

1. Mr.Alby John Varghese I.A.S.,
The District Collector,
Tiruvallur District, Tiruvallur.

2. Mr.Jothi,
The Revenue Divisional Officer,
Tiruvallur, Tiruvallur District.

3. Ms.Vasanthi,
The Tahsildhar,
Oothukottai Taluk,
Tiruvallur District.

.. Respondents

Petition filed under Section 11 of the Contempt of Court Act, 1971, to
punish the respondents for their wilful disobedience in not complying with the
Order dated 03.02.2023 passed by this Court in W.P.No.2724 of 2023.

For Petitioner	:	Mr. M.R. Jothimanian
For Respondents	:	Mr. A. Selvendran Special Government Pleader



ORDER

(Order of the Court was made by R. MAHADEVAN, J.)

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The petitioner has filed the writ petition No. 2724 of 2023 by stating that the land in Survey No.146/3, even though classified as "*Thoppu Poramboke*" is used by the Villagers for a long time for cattle rearing. When the respondents intended to utilise the said land for accommodating the people belonging to Scheduled Caste and Scheduled Tribe by issuing free house site patta to them, the petitioner and others in the Village raised objection for the same and requested the authorities to provide alternative land for the land in Survey No.146/3. In this context, they made a representation dated 24.11.2022, but the same was not considered by the authorities.

2. This Court, by order dated 03.02.2023, disposed of the aforesaid writ petition bearing no.2724 of 2023, directing the second respondent to consider the petitioner's objection dated 24.11.2022, before taking a final decision in relation to allotment of house site to the people belonging to Scheduled Caste in the land in Survey No.146/3 in Lakchivakkam Village, afford an opportunity of hearing to the petitioner and others concerned and pass appropriate orders, on merits and in accordance with law and also in the light of the Judgment dated 02.02.2022 passed in W.P. No. 19286 of 2021



(Raja Vs.The Secretary and others). Since the said direction has not been complied by the respondent authorities, the petitioner has come up with this contempt petition.

3. The learned counsel appearing for the petitioner submitted that the respondent authorities have not taken steps to comply with the order of this Court dated 03.02.2023 and no enquiry was conducted, till date. On the other hand, they are attempting to issue free house site patta by re-classifying the lands classified as "*thoppu*" and "*Meikal Poramboke*".

4. Per contra, the learned Special Government Pleader appearing for the respondents produced a copy of the order dated 24.02.2023 passed in WP.No.5894 of 2023, wherein, one Manikandan of Thiruvallur District has sought a Writ of Mandamus directing the respondents to convert the land in Survey No.146/3 into house site; and the Division Bench of this court has passed the following order:

"3. At this stage, learned Additional Advocate General assisted by Special Government Pleader appearing for the respondents, placing on record the proceedings of the District Collector, Tiruvallur, dated 10.01.2023, submitted that the respondents have also considered the availability of the adjacent land, as pleaded by learned counsel for the petitioner, but considering the fact that it is classified as "Meikkal Poramboke" in the revenue records, which cannot be allotted for habitation, the respondent authorities have chosen the present land for issuance of pattas to the landless poor.



4. *In view of the specific stand taken by the learned Additional Advocate General after considering the pros and cons of the suitability of the land now sought to be allotted to the landless poor, this Court finds no reason to entertain the writ petition. The writ petition is, accordingly, closed. However, the respondent authorities are directed to ensure that the damage to the nature, in the extent of 3440 sq.mtrs. sought to be allotted, shall be minimal. The respondent authorities shall make earnest efforts to ensure that the old trees standing in the 3440sq.mtrs. are protected. There will be no order as to costs. Consequently, W.M.P.No.5898 of 2023 is closed."*

Therefore, the learned counsel submitted that the claim of the petitioner cannot be acceded to by the respondent authorities, without conducting proper enquiry about the nature of the subject land.

5. In view of the submissions so made by the learned counsel for both sides, this contempt petition stands closed, by directing the respondent authorities to consider the objection of the petitioner by conducting proper enquiry, on merits and in accordance with law, after providing an opportunity of hearing to all the parties and thereafter, proceed further as directed by the Division Bench of this Court in the order dated 24.02.2023 made in WP No. 5894 of 2023 mentioned supra.

[R.M.D., J.] [M.S.Q., J.]
21.04.2023

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