



Cont. P.No.1445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

Contempt Petition No.1445 of 2023

P.Selvakumari

.. Petitioner

Vs

Kumaresan,
Joint Commissioner,
Hindu Religious & Charitable Endowment,
Gandhi Nagar,
Tiruvannamalai Town & District.

.. Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for willful disobedience of the order passed by this Court in W.P.No.7677 of 2023, dated 14.03.2023.

For the Petitioner : Mr.R.Mohan

For the Respondent : Mr.N.R.R.Arun Natarajan
Spl. G.P. (HR & CE)



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ORDER

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.R.Mohan, learned counsel for the petitioner and Mr.N.R.R.Arun Natarajan, learned Special Government Pleader (HR & CE) for the respondent.

2. The contempt is alleged of the order dated 14.3.2023 in W.P.No.7677 of 2023. Under the said order, this Court directed the petitioner to give a fresh representation to the Joint Commissioner within a period of two weeks and the Joint Commissioner was directed to decide the same on merits within a period of four weeks.

3. It is submitted by learned Special Government Pleader that, in compliance of the order passed by this Court, the Joint Commissioner had passed an order on 27.5.2023. The relevant portion of the order reads thus:

"The DRO has ordered cancelling sub-divisions and issuance of 2 Pattas.

From the facts available, it is inferred that Kamalakannan has encroached 3 feet width area



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belonging to 'Bajanai Kovil'.

Hence, it is requested to order issuance of separate patta for private individual and a separate patta for 'Bajanai Kovil' by filing an appeal to the DRO. In order to take appropriate action on this, the Inspector HR & CE may be directed to approach the Assistant Commissioner and seek relief."

4. In view of that, it cannot be said that the respondent is guilty of contempt. Steps are taken in that regard.

5. The contempt petition is disposed of accordingly. If the petitioner is aggrieved by the issuance of patta or otherwise, it is for the petitioner to challenge the same in accordance with law. There will be no order as to costs.

(S.V.G., CJ.)

(P.D.A., J.)

28.07.2023

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

(sasi)

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