



Contempt Petition.No.227 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.227 of 2023

S.Kannan

... Petitioner

Vs.

1. Dr.Rahulnath I.A.S.,
The District Collector,
Kancheepuram District,
Kancheepuram - 631 501.
2. Imanuvel
The District Revenue Officer,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
3. R.Shajeevana
The Revenue Divisional Officer,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
4. Natarajan
The Tahsildar,
VOC Nagar, Chengalpattu,
Tamil Nadu - 603 001.
5. Pradeep
The Superintendent of Police,
Thaiyarkullam, Kancheepuram,
Tamil Nadu - 603 001.



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6. Ashok

The Inspector of Police,
D3 Police Station, Palur,
Kancheepuram.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, pleased to punish the respondents for wilfully disobeying the orders passed in W.P.No.6404 of 2022 dated 22.03.2022.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader
for R1 to R4
Mr.S.Vinoth Kumar
Government Advocate (CrI.Side)
for R5 & R6

ORDER

This petition has been filed seeking for contempt for non compliance of the order passed by this Court in W.P.No.6404 of 2022 dated 22.03.2022.

2. It is the case of the petitioner that he had filed W.P.No.6404 of 2022 seeking for issuance of a direction to the 5th and 6th respondents to take suitable legal action against the 7th and 8th respondents in accordance with law



on merits by considering the petitioner's representations dated 16.11.2020 and 02.02.2022. This Court, after hearing the learned counsel for the petitioner, the learned Government Advocate for respondents 1 to 4 and the learned Additional Public Prosecutor for respondents 5 & 6, had passed the following order.

"2. The case of the petitioner is that the petitioner is the owner of the property in respect of Survey No.2205/4, Palur Village, Chengalpattu Taluk & District. One Mr.S.Rajkumar/R7, who has no right over the petitioner-s property, claims right over the property and he has trespassed into the petitioner-s property and demolished the building on 12.11.2020 with the help of the police. Further case of the petitioner is that the said Mr.S.Rajkumar/R7 is explicitly acting hands in gloves with the Revenue Department in creating false entries and mutating the revenue records in the name of Mr.S.Rajkumar and he has also created documents as if the Survey No.2205/4 was subdivided into various sub divisional survey numbers without the petitioner-s knowledge. Thereby, the petitioner had given a complaint on 12.11.2020 and thereafter, since, no action was taken, he had given a representation on



16.11.2021. Since, no action was taken by the respondents, the present writ petition has been filed.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.2205/4 in Palur Village, Chengalpattu Taluk and District. The 7th and 8th respondents, based on the fabricated documents, claim right over the property are repeatedly harassing the petitioner. Hence, the petitioner had given a complaint on 12.11.2020 and also a representation on 16.11.2021. Since, no action has been taken by the respondents, the petitioner filed the present writ petition seeking the aforesaid relief.

4. Learned Additional Public Prosecutor would submit that there is a dispute between the petitioner and the said 7th and 8th respondents with regard to the boundaries. The petitioner claims that the 7th and 8th respondents have fabricated the revenue records. Based on the complaint given by the petitioner, the 6th respondent conducted an enquiry by summoning the petitioner as well as 7th and 8th respondents. During the enquiry, 7th and 8th respondents have undertaken that they will not create any problem and both the parties have agreed to survey the property through the officials of Revenue Department and they have agreed to settle the disputes among themselves. Based on the



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undertaking given by both the parties, the representation given by the petitioner was closed on 03.03.2022 and it is also uploaded in Tamil Nadu Police Portal. Further, he would submit that if the parties approach the Revenue Officials and fix a date for surveying the property, the 6th respondent will afford police protection for survey.

5. Heard the learned Counsel and perused the materials available on record.

6. In view of the above submission, the petitioner is directed to pay requisite fee for surveying the property to the 4th respondent, who in turn, shall depute the officials of the Revenue Department to survey the property and on the date fixed for survey, the 6th respondent shall afford appropriate police protection for surveying the property."

3. It is the grievance of the petitioner that subsequent to the order passed by this Court, the petitioner had paid the fees for survey through E-Challan on 09.03.2022 and also sent the representation to all the respondents through registered post and since no action has been taken, the present petition has been filed seeking to punish the respondents for wilfull non compliance of the order.



4. Learned counsel for the petitioner submitted that this Court, while disposing the writ petition in W.P.No.6404 of 2022 dated 22.03.2022 had directed the petitioner to pay requisite fee for surveying the property to the fourth respondent, who in turn, shall depute the officials of the Revenue Department to survey the property and on the date fixed for survey, the sixth respondent shall afford appropriate police protection for surveying the property. However, the respondents have not complied with the same. Thereby, the present petition has been filed.

5. On the earlier occasion, when the matter was taken up on 17.07.2023, the following officers were present before this Court.

1. Mrs.D.Dhanalakshmi, Tahsildar, Chengalpattu District,
2. Mr.S.Natarajan, Special Tahsildar, Pallavaram,
3. Mr.D.Vijayakumar, Zonal Deputy Tahsildar,
Katankolathur Zonal, Chengalpattu Taluk.
4. Mr.D.Ashok, Village Administrative Officer,
5. M/s.G.Mahendiran, Special Sub Inspector,
D3 Pallavaram Police Station, Chengalpattu District
6. M/s.A.Babu, Deputy Inspector of Survey, Chengalpattu District
7. Mr.E.Anandan, D3 Pallavaram Police Station,



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Chengalpattu District.

6. The fourth respondent has filed the Status Report along with the copies of the relevant documents. The Status Report is taken on file and the relevant portion has been extracted for better appreciation.

"8. It is submitted that in pursuant to the direction of the Hon'ble Court dt.22.03.2022 made in W.P.No.6404 of 2022 this respondent for the survey of the Land in Survey No.2205/4 and inspected the same on 21.03.2023. It is submitted that the land in survey No.2205/4, has been sub divided into many housing plots during the Natham Settlement Scheme and about more than 50 families who obtained Patta as per the subdivision objected for conducting the survey and hence the survey of the land could not be done on 21.03.2023.

9. It is respectfully submit that the writ petition is claiming Rights over the entire extent of 22.95.5 Hectare ((56.73 Acre) of Grama Natham land



in Survey No.2205/4 and demanding the entire survey number of all the Natham houses in the land in Survey No.2205/4 belongs to his grandfather which is impossible and however, he did not produce any documentary evidence to prove his right over the entire extent in Survey No.2205/4. It is submitted that according to the copy of Document No.944/1952 furnished by the petitioner, an extent of 3,300 Sq.ft in the Natham land in Survey No.2205/4, Palur village has been Conveyed in favour of Tmt.Dharmambal W/o.Natesa Mudaliar by one Thiru.Murugappa Naickar S/o Vedagiri Naickar. However, the writ petitioner did not produce any documentary evidence to prove the relationship between him and the aforesaid Tmt. Dharmambal W/o Natesa Mudaliar.

10. It is submitted that the survey of the land could not be done. Since the writ petitioner did not produce any documentary evidence to prove his rights and title over the property and he is not in possession and enjoyment of the aforesaid land. It is further submitted that Tmt.Nirmala Muthukumarasamy, the President of Palur Panchayat has given an objection petition alleging that the



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petitioner had been claiming rights and title over the land in Natham survey No.2205/4 through forgery document and has been quarrelling and the creating trouble to the 50 families who were granted Grama Natham Patta in the aforesaid land for more than 60 years and the Panchayat president has requested to settle the problem for maintaining peace in the Village."

7. Mr.P.Gurunathan, learned Additional Government Pleader, appearing for R1 to R4, at the outset, submitted that the direction was only intended to the fourth and the sixth respondents, whereas, the petitioner has unnecessarily impleaded the other officials against whom, there was no direction. Further, the petitioner has also made false allegation in the affidavit. He further submitted that based on the representation given by the petitioner, inspection was conducted on 13.07.2022 and during inspection, the petitioner was also present. He further submitted that the petitioner had claimed rights over the entire extent of 22.95.5 Hectares (56.73 Acre) of Grama Natham Land in Survey No.2205/4 and he had demanded to survey the entire extent in Survey No.2205/4 claiming that it belongs to his grand father, however, he had not produced any documentary evidence to prove his



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right over the entire extent in Survey No. 2205/4.

8. In the very same property, there are 50 families, who have been assigned land by way of Natham Settlement. They have put up the houses in the allotted land, thereby, there is a rival claim between the petitioner and the 50 families, who have been allotted lands by the Government. Further, according to the copy of the Document No.944/1952 (Mortgage deed) which was submitted by the petitioner at the time of inspection, an extent of 3,300 Sq.ft in the natham land in Survey No.2205/4 of Palur Village had already been conveyed in favour of one Dharmambal/wife of one Natesa Mudaliar by one Murugappa Naicker S/o. Vedagiri Naickar. He also submitted that despite the insistence by the officials, the writ petitioner has not produced any documentary evidence to prove the relation between him and the aforesaid Dharmambal, W/o. Natesa Mudaliar. During the enquiry, one Nirmala Muthukumarsamy, the President of Palur Village Panchayat was also present. She has given an objection petition alleging that the petitioner has



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been claiming rights and title over the land in natham survey no.2205/4 through forged document and he had been quarrelling and creating trouble to 50 families, who were granted grama natham patta in aforesaid land and they have been in possession for more than 60 years and the Panchayat President had also submitted that because of the dispute created by the petitioner, there was no peace in the village and she has requested the Authorities to see that peace is maintained in the village.

9. He further submitted that during the inspection, a statement was also recorded from one Subramani, father of the petitioner, in which, he had stated that other than the house measuring 11" x 300", no other property was owned by his family and that he has also not purchased any property. Further, as stated above in respect of Survey No.2205/4 of Palur Village, 50 families have been given patta under the Natham Settlement Scheme and they are also residing there. Finding that there are disputes with regard to the property, the officials after conducting an enquiry had advised the petitioner to approach the civil Court, if he has any right over the property. He also submitted that the orders/directions of this Court has been duly complied with by the Revenue Authorities and during the enquiry, the respondent



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Police have also given protection and the enquiry was conducted in a peaceful manner.

10. Learned Additional Government Pleader further submitted that the petitioner knowing well that there were rival claimants in respect of the said property and also knowing well that allotment has been made to 50 families under the Grama Natham Settlement Scheme, had attempted to obtain an order before this Court behind the back, without impleading the necessary parties and also attempted to misuse the Officials for his selfish gains and that is the reason for all the confusion.

11. Mr.S.Vinoth Kumar, learned Government Advocate (Crl.Side) appearing for respondents 5 & 6 submitted that in due compliance of the order passed by this Court on 10.07.2023, the respondents have inspected the land on 21.03.2023 and subsequently, on 13.07.2023, the respondent police, on intimation from the Revenue Authorities have gone to the spot and had provided police protection, however, it was reported that there was rival claim



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in respect of property and thereby, the petitioner and other persons, who were having rival claims were advised to approach the civil Court for redressal of their grievances.

12. Learned counsel for the petitioner submitted that though this Court had issued directions in respect of 4th and 6th respondents, out of anxiety, the petitioner has impleaded all the other respondents in this contempt application. She further submitted that the petitioner may be given liberty to approach the civil Court concerned

13. Heard the learned counsel for the petitioner, the learned Additional Government Pleader, appearing for R1 to R4 and the learned Government Advocate (Crl.Side) appearing for respondents 5 & 6 and perused the materials available on record including the status report and the documents filed by the respondents.

14. Having gone through the materials on record, this Court is satisfied that the respondents have duly complied with the order passed by this Court and have not committed any contempt. It is also seen that though



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direction had been issued only to the respondents 4 and 6, the petitioner had unnecessarily impleaded the higher officials, against whom no direction has been issued by this Court and the petitioner had also suppressed the facts.

15. Further, this Court had directed the petitioner to be present before this Court and the petitioner is also present before this Court. This Court questioned him with regard to the suppression made by him and he apologised for having filed such petition and also filed an affidavit seeking apology and permission to withdraw the contempt petition. The apology of the petitioner is accepted.

16. Recording the above submissions, this Contempt Petition stands closed. However, the petitioner is at liberty to approach the appropriate civil Court to readdress his grievance and claim with regard to the property.

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No



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