



Cont. P(MD)No.462 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE G.R.SWAMINATHAN**

Cont. P(MD)No.462 of 2022

in

W.P(MD)No.16627 of 2021

1.Mohammed Iqbal
2.Pathamuthu
3.Umalbegam
4.Shiek Dawood
5.Rajamohammed
6.Shahul Hammed
7.Ibrahim
8.Ramjan Beevi
9.Mathina Beevi

... Petitioners

Vs.

Thamimraja,
The Tahsildar,
Office of the Tahsildar Office,
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to issue a notice of contempt to the respondent for not obeying the orders of this Court passed in W.P(MD)No.16627 of 2021, dated 17.09.2021 and punish the respondent in accordance with law.

For Petitioners : Mr.T.Balarathinakumar
For Respondent : Mr.M.Lingadurai
Special Government Pleader



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ORDER

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Heard the learned Counsel on either side.

2. The petitioners succeeded before the civil Court. The first appeal proceedings also had ended in their favour. The Government has filed second appeal only recently. In the meanwhile, the petitioners filed W.P(MD)No.16627 of 2021 and got a direction against the jurisdictional Tahsildar for issuance of patta. The question is whether the Tahsildar has complied with the direction of this Court. It is true that this Court has issued a direction to the Tahsildar to pass an order on merits. The Tahsildar has now taking the stand that since the property in question has been classified as a water body, it is only the Commissioner of Land Administration who can grant relief to the petitioners. It is for the petitioners to move the Commissioner of Land Administration on the strength of the civil Court's decree. There is yet another aspect. The petitioners have executable decree in their favour. It is open to them to execute it. The question of approaching the writ Court does not arise at all. I therefore, relegate the petitioners to file an E.P and at the same time granting liberty to the respondent to pursue the second appeal. The contempt petition stands closed.

19.01.2023



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NCC : Yes / No
Internet : Yes / No
Index : Yes / No
Btr

To

The Tahsildar,
Office of the Tahsildar Office,
Paramakudi,
Ramanathapuram District.



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G.R.SWAMINATHAN, J.

Btr

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