



Sub Application No.52 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Sub Application No.52 of 2023

in

Cont.P.(MD)No.703 of 2019

in

W.P.(MD)No.25557 of 2018

Gunasundari (Died)

1.Sundaram

2.Kannan

3.Muthamazhil Selvi

4.R.Premavathy

... Petitioners

Vs.

1.Uma Maheswari,
The District Collector,
Pudukkottai District,
Pudukkottai.

2.Ramasamy,
The District Revenue Officer,
Pudukkottai District.

3.Subbaiah,
The Revenue Divisional Officer,
Pudukkottai District.



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4.Jamuna,
The Tahsildar,
Avudaiyarkovil Taluk,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to reopen the main Contempt Petition (MD). No.703 of 2019 which was closed on 18.11.2022 and to punish the 4th respondent herein for the willful disobedience of the orders passed in W.P.(MD)No.25557 of 2018 dated 11.03.2019.

For Petitioners : Mr.G.Prabhu Rajadurai,
For Mr.V.Manikandan

For Respondents : Mr.Veerakathiravan,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.



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2.W.P.(MD)No.25557 of 2018 filed by Gunasundari was allowed by this Court on 11.03.2019. The order passed by this Court was confirmed by the Hon'ble Division Bench. The SLP filed by the Government was also dismissed by the Hon'ble Supreme Court. In the meanwhile, Cont.P.(MD)No.703 of 2023 came to be filed. I had directed the respondents to restore the original position in the revenue record with a rider that the petitioner should not alienate the property till the issue attains finality. Now that the issue has attained finality, the said restraint imposed on the petitioner will no longer hold good. The contempt petition was closed on 18.11.2022 in the following terms:-

“Heard the learned counsel for the petitioners and the learned Additional Advocate General assisted by the learned Special Government Pleader for the respondents.

2.Contending that the order passed by this Court in W.P.(MD)No.25557 of 2018 dated 11.03.2019 has not been complied with, this contempt petition has been filed.

3.The order passed by this Court was put to challenge in W.A.(MD)Nos.1201 and 1588 of 2019. The said writ appeals were dismissed in June 2022. The



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learned Additional Advocate General submitted that challenging the order passed by the Hon'ble Division Bench, SLP is proposed to be filed. I had already recorded the undertaking of the petitioners that they will not alienate the property in question till the matter attains finality before the Hon'ble Apex Court. The jurisdictional Thasildar was directed to issue proceedings in favour of the petitioners in the meanwhile. I had also made it clear that even if patta is mutated and the names of the petitioners are entered in the revenue record, they will be subject to eventual outcome of the proceedings in SLP. Today the matter was posted for reporting compliance.

4.Mr.William Moses is present before this Court and he has produced copy of the proceedings issued by him bearing Na.Ka.A6/3445/2022 dated 17.11.2022. The names of the petitioners namely, Sundaram, Kannan, Muthamazhil Selvi and R.Premavathy have been entered in the village accounts. The undertaking given by the petitioners will hold good for a reasonable period. It is for the State to expedite SLP filed by them.

5.Since the order passed by this Court has now been complied with, this contempt petition deserves to be closed. It is accordingly closed.



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6.The Registry is directed to mark a copy of this order to the Sub Registrar, Registration Department, Mimisal, Pudukkottai District.”

3.It is now made clear that the undertaking of the petitioner stands vacated. Any encumbrance created by the respondents in respect of the petition mentioned property shall also be nullified. This order shall be entered in the encumbrance register.

4.This sub application is disposed of accordingly.

09.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.Uma Maheswari,
The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.Ramasamy,
The District Revenue Officer,
Pudukkottai District.

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