



Cont.P(MD)No.458 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P(MD)No.458 of 2023

in

W.P(MD)No.22237 of 2022

V.Thankappan Nair

... Petitioner/Petitioner

vs.

N.Padma Kumar,
Tahsildar of Vilavancode Taluk,
at Kuzhithurai,
Kanyakumari District,
Pin – 629163.

.. Contemnor/Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, pleaded to punish the respondent for the contempt of court, committed by him by his willful disobedience to the order dated 11.10.2022 of this Court in WP(MD)No.22237 of 2022.

For Petitioner : Mr.K.N.Thampi

For Respondents : Ms.D.Farjana Ghousia,
Special Government Pleader



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ORDER

This contempt petition has been filed that the orders of this Court dated 11.10.2022 has not been complied with by the respondent.

2.The petitioner submitted a representation to the respondent on 06.12.2021, which has not been considered by the respondent. Therefore, the petitioner has filed WP(MD)No.22237 of 2022, wherein, this Court by order dated 11.10.2022 disposed of the writ petition with a direction to the Tahsildar to consider the petitioner's representation and take a decision in accordance with law after providing an opportunity of hearing to the necessary parties concerned within a period of four weeks from the date of receipt of a copy of the order.

3.The learned Counsel for the petitioner submits that though this Court passed the order on 11.10.2022, it has not been complied with so far.

4.The learned Special Government Pleader, who took notice for the respondent submitted that the petitioner's representation has already been



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considered and rejected by order dated 21.12.2022. The learned Counsel for the petitioner disputed the same that no order has been passed on the petitioner's representation and no copy was served on the petitioner. Therefore, this Court in the earlier occasion directed the respondent to produce the acknowledgment for having served the order dated 21.12.2022 to the petitioner. However, no acknowledgment has been produced by the respondent and only the copy of the order is produced.

5.The learned Counsel for the petitioner submits that though the respondent claims that the order has been passed on 21.12.2022, it has been served on the petitioner only on 08.09.2023, in order to prevent the petitioner from invoking the revisional jurisdiction, the order has been served belatedly.

6.This Court considered the rival submissions.

7.Though the respondent claims that the petitioner's representation has been considered and order has been passed on 21.12.2022, no acknowledgment has been produced by the respondent for having served the order dated 21.12.2022 to



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the petitioner. However it is stated that the petitioner has refused to receive the order and if it was so, the respondent ought to have sent it through registered post with acknowledgment card. Even after filing of the contempt petitioner, the order was served only on 08.09.2023.

8.In view of the above, this contempt petition is closed, with liberty to the petitioner to challenge the order dated 21.12.2022 by considering the date of service of the same as 08.09.2023.

11.09.2023

DSK

To
The Tahsildar of Vilavancode Taluk,
at Kuzhithurai,
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B.PUGALENDHI,J.

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