



Cont.P(MD)No.1004 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Cont.P(MD)No.1004 of 2023

in

W.P(MD)No.13456 of 2021

Sivagami

... Petitioner/Petitioner

Vs.

1.Mr.Dr.S.Aneesh Sekar, I.A.S.,
The District Collector,
Office of the District Collector,
Madurai District.

2.Mrs.K.Perthous Fathima,
The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Madurai.

3.Mrs.Senthamarai,
The Tahsildar,
Melur Taluk Office,
Madurai District.

... Contemnors/respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for his willful and wanton disobedience of the order passed by this Court in W.P(MD)No.13456 of 2021 dated 19.10.2022 under the Contempt of Courts Act.



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For Petitioner :Mr.C.Jeganathan,
For Respondents :Mr.P.Thilak Kumar,
Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.C.Jeganathan, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader for the respondents.

2. Alleging willful disobedience of the order of this Court made in W.P(MD)No.13456 of 2021 dated 19.10.2022, the petitioner has filed this contempt petition.

3. From the facts on record, this Court finds that several persons including the petitioner have filed writ petitions in W.P(MD)No.13439 of 2021 etc., batch, seeking for issuance of a Writ of Mandamus, directing the official respondents to transfer patta in respect of the property in S.No.264/12 B1 situated at Kottampatti from the original owners to the writ petitioners on the ground that the writ



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petitioners have purchased the property from the original assignees.

4. Yet another writ petition in W.P(MD)No.19299 of 2020 was filed by one V.Karuppu, seeking for issuance of the Writ of Mandamus, directing the second respondent, namely, the District Collector, Madurai District, to conduct enquiry based on his representation and to forbear the respondents from granting patta to Valikone Kanmoi in respect of Survey No.264/12 B situated at Kottampatti Village, Madurai District.

5. After taking note of the fact that the property in Survey No.264/12 B1 is classified as 'Grama Natham' and the property in Survey No.264/12 B2 is classified as 'Water Body', this Court directed the official respondents to consider the representation of the writ petitioners, who seek transfer of patta after holding that the land in Survey No.264/12 B1 is classified as 'Grama Natham'. With regard to Survey No.264/12 B2, this Court directed the official respondents to take necessary action for removal of encroachment by following due process of law.



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6. The petitioner, who has filed a writ petition in W.P(MD)No.13456 of 2021, seeking for a direction to the official respondents for transfer of patta in respect of the property in Survey No.264/12 B1, has filed this contempt petition contending that patta has not been transferred in her name. It is her case that different parts of the land in Surey No.264/12 B1, have been assigned to their predecessor in interest and therefore, as a matter of right, she is entitled to get patta.

7. This Court in the order, dated 19.10.2022, has not given any positive direction to the respondents to transfer patta in the name of the writ petitioners. After recording the fact that the entire land is classified as 'Grama Natham', direction is given only to consider the representation of the writ petitioners. When a property is classified as 'Grama Natham', the property does not vest with the Government. In such circumstances, the petitioner, who claims through subsequent transfer on the basis of alleged assignment in favour of her predecessor in interest, cannot be considered in this contempt petition to give positive direction. It will be inappropriate if we direct the respondents to transfer patta in the name of the petitioner.



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8. In view of the foregoing, this Court does not find any merit in this contempt petition. Therefore, this Contempt Petition is closed with a specific observation that the petitioner's application may be considered by the respondents on merits. If there is a rival claim that may also be considered by the official respondents while passing orders in compliance of the direction of this Court.

[S.S.S.R., J.] [D.B.C., J.]
22.08.2023

Index : Yes / No
NCC : Yes/No

pm

To

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Madurai District.
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- 3.The Tahsildar,
Melur Taluk Office,
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