



CONT.P.(MD)No.1152 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

CONT.P.(MD)No.1152 of 2023

G.Ponraj

... Petitioner

vs.

1.Selvakumar,
Tahsildar,
Sivagiri Taluk, Sivagiri, Tuticorin District.

2.Shanmugam,
Taluk Surveyor,
Sivagiri Taluk, Sivagiri, Tuticorin District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their wilful disobedience for the common order of this Court made in W.P.(MD)No.22601 of 2021, dated 21.12.2021 and further direct them to obey the order of this Court.

For Petitioner
For Respondents

:Mr.S.Selvakumar
:Mr.N.Muthu Vijayan
Special Government Pleader



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ORDER

The Contempt Petition has been filed seeking compliance of an order of this Court in W.P.(MD)No.22601 of 2021, dated 21.12.2021. The said Writ Petition has been filed by the petitioner herein against the Tahsildar, Sivagiri Taluk in Tuticorin District and the Taluk Surveyor of the said Taluk Office.

2.The relief sought in the said Writ Petition was for issuance of a Mandamus seeking a direction to survey the land of the petitioner in S.No.758/2A measuring 8.52 acres out of a larger area of 0.9.72 acres (3.45.0 hectares) in Patta No.2205 at Viswanathaperi Village Bit-II, Sivagiri Taluk, Tirunelveli District. The petitioner had given an application on 25.10.2021.

3.On hearing the learned Counsel for the petitioner and the learned Special Government Pleader, this Court by order, dated 21.12.2021, had ordered as follows:

“2.The writ petition has been filed in the nature of Writ of Mandamus, seeking a direction to the respondents to survey the



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petitioner's land in S.No.758/2A, measuring an extent of 8.52 acres out of 0.9.72 acres (3.45.0 hectares) and comprised in Patta No. 2205 in Viswanathaperi Village Bit-II, Sivagiri Taluk, Tirunelveli District. The petitioner had given an on-line application on 25.10.2021 and accordingly, had also paid necessary charges for conducting the survey. It is therefore, only expected that the respondents should respond to the application filed by the petitioner and conduct survey.

3.Let the respondents, proceed in manner known to law, issue notice to the petitioner, examine the lands of the petitioner, examine the documents of the petitioner and thereafter, on identification of the lands and on personal satisfaction, proceed further to conduct survey as required in the application. The entire exercise shall be completed within a period of 16 weeks from the date of receipt of a copy of this order.

4.With the above observations, the writ petition is disposed of. No costs."

4.However, it is seen that with respect to the very same lands, O.S.No.87 of 2019 had been filed before the Principal District Munsif Court at Sivagiri by Thangaraj and Pasupathi Pandian against the petitioner herein, K.Ponraj, and the relief sought in that particular suit was for permanent injunction restraining the petitioner herein/defendant therein, from interfering with the peaceful possession of the lands measuring 2 acres and 27 cents, which is to the south of larger area of measuring 3.45.0 hectares in S.No.758/2A at Viswanathaperi Village Bit-II, Sivagiri Taluk, Tuticorin District.



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5.Thus, the possession of the petitioner has been questioned by the plaintiffs therein. The plaintiffs claimed to be in possession. It is also to be noted that the entire lands in S.No.758/2A had been sub divided as S.Nos.758/2A1 and 758/2A2. It is also seen that with respect to S.No. 758/2A1, there are nine individuals, who were given in patta and the petitioner is the eighth name. Quite apart from him, there are others and it has not been informed the Court that there are joint pattadhars or that the lands had been surveyed. The pendency of the suit was also not informed to the Court. There is also an order of the District Revenue Officer, dated 20.01.2017 in Revision Petition No.A2/26/2015. That was also filed by Thangaraj and Pasupathi Pandian against the petitioner herein. This fact was also not informed to the Court, when the order was passed in the Writ Petition.

6.When there are complicated facts, which had not been informed, the order passed in the Writ Petition cannot be put into effect. However, I must appreciate that the Tahsildar had taken steps to survey the lands and the records produced show that the lands in S.No.758/2A1 had been surveyed on 02.01.2020. Since the original order in the Writ Petition had



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been obtained by suppression by not pleading the correct facts and not
implying the proper respondents, the Contempt Petition does not lie.

7.The Contempt Petition stands dismissed as stated above.

Index :Yes / No
Internet :Yes

26.06.2023

cmr

To

1.The Tahsildar,
Sivagiri Taluk, Sivagiri, Tuticorin District.

2.The Taluk Surveyor,
Sivagiri Taluk, Sivagiri, Tuticorin District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
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