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CONT.P.(MD)NO.1386 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1386 of 2023 IN
W.P.(MD)No.28809 of 2022

Pechiyammal

... Petitioner/ Petitioner

Vs.

1. Mr.Vamanan,
Tahsildar,
Tiruchendur Taluk Office,
Thoothukudi District.

2. Mr.Senthilvelan,
Deputy Surveyor,
Tiruchendur Taluk Office,
Thoothukudi District.

3. Mr.Dheivaraj

4. Thangaraj
(R-3 & R-4 are *suo motu* impleaded vide order
dated 31.07.2023 in Cont.P.(MD)No.1386 of 2023)

... Respondents

Prayer: Contempt petition filed under under Section 11 of the Contempt of Court Act 1971, to summon the respondents and punish them for willful disobedience of the order of this Court made in W.P.(MD)No.28809 of 2022 dated 22.12.2022.

For Petitioner : Mr.E.Johnson

For R-1 & R-2 : Mr.D.Gandhiraj,
Special Government Pleader.

For R-3 & R-4 : Mr.KA.Ramakrishnan

**ORDER**

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Thangasamy, Dheivaraj and Thangaraj are brothers. The property in question admittedly stood in the name of their mother. The petitioner's husband Thangasamy claims that it was allotted to him in an oral partition. Thangasamy executed settlement deed in favour of the petitioner. Based on the document, the petitioner filed W.P.(MD)No.28809 of 2022 for conducting survey. This Court passed an order dated 22.12.2022 directing the respondents to conduct survey subject to the usual terms and conditions. The petitioner alleges that the private respondents are preventing the installation of survey stones. This Court *suo motu* impleaded them.

2. Today when the matter was taken up for hearing, the learned counsel appearing for the private respondents submitted that all the three brothers have equal share in the property and that they have filed a civil suit in this regard.

3. I wanted to know as to how the petitioner's husband obtained title over the property. The petitioner's



counsel states that it was made through oral partition. If that be so, it is for the jurisdictional civil Court that will have to go into the issue. No contempt has been committed by the respondents. Granting liberty to the petitioner to work out her remedy before the jurisdictional civil Court, this contempt petition is closed.

28.08.2023

NCS : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Tahsildar,
Tiruchendur Taluk Office,
Thoothukudi District.
2. The Deputy Surveyor,
Tiruchendur Taluk Office,
Thoothukudi District.



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G.R.SWAMINATHAN,J.

PMU

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W.P.(MD)No.28809 of 2022

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