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CONT.P.(MD)NO.1847 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1847 of 2023 IN

W.P.(MD)No.13006 of 2022

A.Arockiyamary

... Petitioner / Petitioner

Vs.

Mr.Muruganandham,
Special Tahsildar,
Competent Authority,
District Revenue Office,
11A, Indira Nagar,
Sennamanayakkanpatti,
Dindigul.

... Contemnor / 2nd Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act 1971, to punish the contemnor / second respondent for his willful disobedience on the order of this Court made in W.P.(MD)No.13006 of 2022 dated 25.07.2022.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.R.Baskaran,
Additional Advocate General,
assisted by,
Mr.M.Prakash,
Additional Government Pleader.

* * *



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ORDER

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

2. The petitioner filed W.P.(MD)No.13006 of 2022. The prayer in the writ petition was as follows:-

“Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to pay full compensation with interest to the petitioner for the acquisition of her property in survey No.138:7C 4A an extent of 380 square meter and in survey No.138/7C4B an extent of 264 square meter in Vakkampatti Village, Aathur Taluk, Dindigul District by considering her representation dated 04.06.2022 within the period as stipulated by this Court.”



WEB COPY 3. The writ petition was disposed of on 25.07.2022 in the following terms:-

“Heard the learned counsel on either side.

2. The issue concerns disbursement of compensation following the acquisition of the petition mentioned property. There appears to be a dispute between the petitioner on the one hand and the third respondent on the other. Therefore, the competent authority has to necessarily make reference to the jurisdictional civil Court within a period of three weeks from the date of receipt of a copy of this order. It is for the jurisdictional Court to take a call in the matter. After the reference is made to the jurisdictional civil Court, the proceedings will be concluded on merits and in accordance with law after issuing notice to the interested parties within a period of eight months thereafter.

3. This writ petition stands disposed of accordingly. No costs.”



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4. Contending that the order passed by this Court has not been complied with, the present contempt petition came to be filed.

5. I wanted to know as to why the reference petition has not been numbered till date. I pointed out to the learned Additional Advocate General that the order copy was made ready on 17.08.2022. The stand of the respondent is that they received the order copy only on 15.09.2022.

6. It appears that from the office of the Government Pleader, the certified copy was not sent. Instead, the order copy was despatched directly from the Madurai Bench of Madras High Court to the office of the respondent.

7. I direct the learned Government Pleader for Madurai Bench of Madras High Court to ensure that arrangements are made for obtaining the certified copies. They should not leave it to the High Court to despatch the order copy directly to the concerned departments. The law officers will also send letters



directly to the officers concerned as and when the judgments are pronounced, instead of waiting for the formal certified copy.

8. The reference petition was originally submitted on 17.11.2022. It was returned by pointing out certain defects. The returned papers had been misplaced. Thereafter, the bundle was reconstructed and re-presented. Again, it was returned by pointing out the earlier returns had not been complied with. That is the position as on date.

9. Today the respondents filed W.M.P.(MD)No.20927 of 2023 seeking extension of time. The WMP was allowed and the time stipulated by this Court was extended by two more weeks.

10. This is truly a sorry state of affairs. The District Collector, Dindigul is directed to personally look into the whole issue and issue directions so that in future such delays do not occur. I make it clear that if I come across with such situation in future, serious view will be taken.



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11. The learned Principal District Judge, Dindigul is directed to take on file the re-submitted application and number the same and dispose it of on merits and in accordance with within a period of three months from the date of receipt of a copy of this order. With these directions, the contempt petition is disposed of.

11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

Note : Registry to issue a copy of this order to the learned Principal District Judge, Dindigul, immediately.

To:

The Special Tahsildar,
Competent Authority,
District Revenue Office,
11A, Indira Nagar,
Sennamanayakkanpatti,
Dindigul.



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G.R.SWAMINATHAN,J.

PMU

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W.P.(MD)No.13006 of 2022

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