



Cont. P(MD)No.1892 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)No.1892 of 2023

in

W.P.(MD)No.3812 of 2023

P.Baluchamy

... Petitioner

Vs.

1.Thirumalai
Tahsildar,
Madurai North Taluk Office,
Madurai.

2.Kavitha
Surveyor,
Madurai North Taluk Office,
Madurai.

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor / respondent herein for deliberate and willful disobedience of the order of this Court dated 01.03.2023 in W.P.(MD)No.3812 of 2023.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader



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ORDER

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Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner contends that direction for survey given by this Court has not been complied with. The Tahsildar, Madurai North has given un-sustainable reasons for rejecting the petitioner's request. There is a reference to a suit. The suit is only for injunction. It is not a suit for declaration. The Tahsildar would further state that in the event of conducting survey, law and order issue may arise. This cannot be accepted. Upholding the rights of the parties is more important. Both the reasons cited by the Tahsildar, Madurai North are incorrect. But then, the jurisdictional surveyor informs the Court that the petitioner is not having any individual patta in his name. This objection is well founded. It is open to the petitioner to approach the Tahsildar for conducting survey after obtaining individual patta in his name.

3. The Contempt Petition is closed.

16.10.2023

Index: Yes/No
Internet: Yes/No
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- To
1. Tahsildar,
Madurai North Taluk Office,
Madurai.
 2. Surveyor,
Madurai North Taluk Office,
Madurai.



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G.R.SWAMINATHAN, J.

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