



CONT.P.(MD)No.2380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.2380 of 2023

in

WP(MD) No.22626 of 2016

P.Sankaran

... Petitioner

Vs

1.Mr.Sivakumar

Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

2.Mr.Jenit Angella,

Village Administrative Officer,
No.8, Theivaseyalpuram Village,
Srivaikundam Taluk,
Thoothukudi District.

...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, praying this Court to punish the contemnor for wilfully disobeying and not complying with the order of this Court dated 16.06.2023 in WP(MD) No.22626 of 2016.

For Petitioner

:Mr.K.Sankar

For Respondent

:Mr.G.Suriyananth

Additional Government Pleader



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ORDER

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This contempt petition is filed that the order of this Court in WP(MD) No.22626 of 2016 dated 16.06.2023 has not been complied with.

2.The said writ petition was filed by the petitioner herein for a Mandamus, directing the respondents to collect the land tax from this petitioner for the land in S.Nos.4 & 5 in Theivaseyalpuram, Thoothukudi District. When that writ petition was taken up for disposal, the learned Additional Government Pleader on instructions submitted that there are so many litigations pending with regard to the ownership of the subject property and criminal cases are also pending. The learned Additional Government Pleader has further claimed that several people are claiming title over the property and suppressing all these materials, the petitioner has filed this writ petition. Considering the submission made by the learned Additional Government Pleader, this Court has disposed of that writ petition in the following terms:



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5. Though the learned Additional Government Pleader submitted that there are several proceedings pending as against the subject property, he is not in a position to provide the details with regard to those cases, excepting the case registered in Crime No.11 of 2012.

6. Mere pendency of a criminal case is not a bar for the authorities to assess tax. Under such circumstances and also considering the nature of relief sought for, this writ petition is disposed of with a direction to the petitioner to submit a fresh representation along with documents to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same and pass appropriate orders, on merits and in accordance with law, after providing due opportunity of hearing to the parties concerned, within a further period of eight weeks therefrom.

3. Now the petitioner has filed this contempt petition that the above order of this Court has been violated.



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4.In response to this contempt petition, the Tahsildar, Srivaigundam has filed a written instruction in Na.Ka.A5/5654/2023 dated 01.12.2023 that the land pertaining to Seevalapperi Sathram belongs to the families of Thaalavai and Medaithaalavai family members. According to the Tahsildar, 17.5% share belongs to the Sathiram and 82.5% share belongs to the land owners. The properties are their ancestral properties and hence partition has not yet been done. He has also referred to the letter of the Commissioner in M2/158/2011, dated 26.06.2012 and submits that these lands have already been declared as surplus lands and action would be taken after affording opportunities to the owners of the lands.

5.This Court is of the view that the stand now taken by the respondents ought to have been submitted at the time of writ proceedings. In view of the above, this contempt petition is closed with a liberty to the petitioner to work out his remedy before the appropriate civil Court. The written communication submitted by the Tahsildar, Srivaikundam shall be furnished to the learned counsel for



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the petitioner enabling him to work out his remedy before the appropriate civil Court.

04.12.2023

Index: Yes/No
Internet: Yes/No
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To

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Tahsildar,

Sriyaikundam Taluk,

Thoothukudi District.

2.Mr.Jenit Angella,

Village Administrative Officer,

No.8, Theivaseyalpuram Village,

Sriyaikundam Taluk,

Thoothukudi District.



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B.PUGALENDHI, J.

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CONT.P.(MD)No.2380 of 2023
in
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