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Cont.P.No.403 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM :
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.403 of 2024

in

W.P.No.20315 of 2021

G.Kotteeswaran

... Petitioner

Vs.

Mr.Suresh
Tahsildar,
Tiruvallur Taluk Office,
Tiruvallur 602 001.

... Respondent

Prayer : Petitions filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for their wilful, wanton and deliberate disobedience of the order dated 09.06.2023 passed by this Hon'ble Court in the Writ Petition No.20315 of 2021.

For the Petitioner : Mr.R.Munuswamy

For the Respondent : Mr.A.Selvendran,
Special Government Pleader



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ORDER

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The contempt petition has been instituted to punish the respondent herein for their wilful, wanton and deliberate disobedience of the order dated 09.06.2023 passed by this Hon'ble Court in the Writ Petition No.20315 of 2021.

2. Common order has been passed in a batch of writ petitions in W.P.No.262 of 2018 etc. and this Court passed the following orders:

“33. In view of the anomalous situation created on account of the inconsistency in dealing with the grievances of the aggrieved persons, this Court is inclined to pass the following orders:

(1) The Commissioner of Land Administration is directed to issue orders to all the competent authorities under his control across the State of Tamil Nadu to maintain registers for entertaining the applications/representations/appeals filed in a prescribed format by complying with the procedures under the Patta



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Pass Book Act, 1983 and the Rules in force.

(2) Every such application filed by the aggrieved persons are to be registered in the book of register and serial number has to be assigned in the order of seniority and such seniority assigned must be informed/communicated to the applicants/appellants.

(3) All the applications/appeals by the respective parties are to be taken up for hearing/enquiry in the order of seniority as far as possible and without causing any discrimination amongst the similarly placed applicants/appellants. Priority for hearing/enquiry is to be granted only if the applicant/appellant is able to establish that there is a genuine urgency, which is to be recorded by the Competent authority, while taking up the matter for hearing/enquiry. All other applications/appeals are to be heard and disposed of in the order of seniority.

(4) An enquiry under the Patta Pass Book Act, 1983 is to be conducted by the competent authorities by following the procedures as contemplated under the Rules and by affording opportunity to the parties. The competent



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authorities shall refuse to grant unnecessary adjournments to the parties, who all are intending to prolong and protract the matter. Adjournments are to be granted on genuine grounds only by recording the reasons. Casual adjournments of hearing are to be avoided, which would cause prejudice to any one of the party.

(5) All applications / appeals are to be disposed of by the competent authorities within a prescribed time limits stipulated under the Government orders or by the Commissioner of Land Administration. In the event of no time limit, the authorities are expected to pass orders within a reasonable period of time i.e., within a period of six months.

(6) The respondents are directed to relegate the parties to the Civil Court of Law, if there is any disputed facts regarding civil rights between the parties exists.

(7) The respondents are directed not to entertain applications under the Patta Pass Book Act, if the Civil Suits between the parties are pending before the Court of Law. In such circumstances, the applicants/appellants may



be granted liberty to approach the competent authorities only after resolving the issues before the Civil Court of Law. The Authorities are directed to keep the revenue proceedings in abeyance till such time the civil disputes reach finality between the parties.

(8) The Commissioner of Revenue Administration is directed to issue consolidated instructions/circular to all the subordinate officials based on the orders passed by this Court and ensure proper implementation to make the public administration more efficient, since it is a Constitutional mandate.

(9) The Higher Authorities are directed to conduct periodical review to ensure that the procedures are followed scrupulously and in the event of any lapses, negligence or dereliction of duty on the part of the authorities, appropriate disciplinary actions are to be initiated under the Service Rules.

(10) The competent authorities are directed to pass speaking orders and communicate the same to all the parties concerned in the manner prescribed under the



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Rules of Public Administration.”

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3. The learned counsel for the petitioner made a submission that the petitioner filed a civil suit and it was decreed in his favour on 2nd August of 2011 in O.S.No.303 of 2009. Thereafter, he filed a W.P.No.12516 of 2019 and this court passed final orders on 26.4.2019, directing the Tahsildar, Tiruvalur Taluk Office, to consider the representation submitted by the writ petitioner on 21.08.2018 and pass orders.

4. In view of the decree and based on the documents produced by the petitioner, patta is to be granted. However, the authorities have taken a different stand that the portion of the property is a public street and therefore, patta cannot be granted. Such a stand is running counter to the Civil Court decree and the documents under the possession of the petitioner.

5. Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of the respondents, would oppose by stating that as per the



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revenue records, more specifically A Register, the disputed portion of the land has been classified as "Street". During the field inspection also the revenue authorities found that it is a public street and is under the usage of general public. Therefore, the patta cannot be granted. In this context, the Tahsildar, Tiruvallur has given written instructions which reads as under:

மதுராபுரி உரிமை கோரும் புலமானது, RSI.R க் பட்டி 79/2 என்பது நன்செய் 0.56 சென்ட் தீர்வை 274 பட்டா எண். 185, சின்னம்மாள் என்பவர் பெயரில் தாக்கவாகி உள்ளது. மேற்படி புல எண் தற்போதைய கிராம அடங்கலின் படி புல எண் 79/2A, 2B, 2C மற்றும் 2D என உபபிரிவுகள் செய்யப்பட்டதில், 79/2C என்பது 1433 ஆம் பசலிவரை 0.35 சென்ட், தீர்வை 140 பட்டா எண். 185, சின்னம்மாள் என்ற பெயரில் தாக்கவாகி வருகிறது.

திருவள்ளூர் நகர நிலவரி திட்ட ஆவணங்களின் படி, வார்டு C, பிளாக் 9, T.S.No.85/2 பண்டிய புல எண் 79/2C Pt மற்றும் 79/2C Pt கிரயத்து நன்செய் பரப்பு 0.0684 ஏக்கரு உரிமையாளர் பெயர் துலுக்கானம் (1) சின்னம்மாள் (2) என தாக்கவாகி உள்ள புலமானது, கோட்டமல்வரன் என்பவர் அனுபவத்தில் உள்ளது.

மேற்படி புலமானது 13.03.2024 அன்று திருகோட்டமல்வரன் என்பவர் முன்னிலையில் நிறு அளவை மேற்கொண்டு அத்து காண்பிக்கப்பட்டது. அளந்து காட்டப்பட்ட புலத்தின் விரிந்தீரணம் 0.17 சென்ட் ஆகும், மதுராபுரி கோரியுள்ள 0.22 சென்ட் ஆக 0.17 சென்ட் நிலம் போக, மீதமுள்ள பரப்பு 0.05 சென்ட் நிலமானது தற்சமயம் புலத்தில் சாணையாக உள்ளது. மேற்படி சாணை புலத்தின் T.S.No.86 க் பண்டிய புல எண் 79/2C Pt, 79/2C Pt கிரயத்து நன்செய் பரப்பு 0.0684 ஏக்கர் நிலமானது "தெரு" ஆக மற்றும் செயல்பட்டு பொதுமக்கள் பயன்பாட்டில் இருந்து வருகிறது.



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6. Since the Government Pleader made a submission that patta has already been issued to the petitioner to an extent of 17 cents as per the documents and in respect of public street, as claimed by the petitioner, patta cannot be issued, this Court cannot adjudicate the these disputed issues in a contempt proceedings. The case of the petitioner was considered based on the documents produced by the revenue authorities. The respondents produced the A Register which would reveal that the disputed land is classified as "Street".

7. In view of these facts, this Court do not find any willfull disobedience on the part of the respondents invoking the contempt jurisdiction of this Court. Accordingly, the contempt petition stands dismissed.

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Index : Yes/No
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