



Cont.P(MD)No.113 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.113 of 2024

in

W.P(MD)No.231 of 2023

T.R.Chandramoorthy

... Petitioner/
Petitioner

Vs.

Rajendran,
Surveyor,
Survey and Settlement Operation,
Madurai East,
Madurai.

... Contemnor/
Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent to the maximum herein for the willful disobedience of the order passed by this Court in W.P.(MD)No. 231 of 2023 dated 05.01.2023.

For Petitioner : Mr.M.S.Suresh Kumar



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For Respondent : Mr.M.Lingadurai
Special Government Pleader

ORDER

The respondent cannot be faulted for rejecting the petitioner's request. This is because the property in question is apparently covered vide decree dated 30.11.2022 in O.S.No.269 of 2019 on the file of Sub Court, Melur.

2.The learned counsel appearing for the petitioner would strongly content that the suit schedule and the subject matter of this writ petition are different. Unless the petitioner is able to get it clarified, contempt will not be made out.

3.Be that as it may, the jurisdictional Tahsildar has passed order dated 29.02.2024 rejecting the petitioner's request. The Contempt petition will lie only if the disobedience is willful and deliberate. In this case, there is *prima facie* reason for the authority to pass the rejection order. It is open to the petitioner to challenge the same in the manner known to law. If the petitioner is able to get a clarification that the



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property for which he is seeking survey is not the subject matter of O.S.No.269 of 2019, then survey has to be conducted as originally directed before this Court. If any independent challenge is mounted against the rejection order, the plaintiff in the suit has to be made as a party respondent.

4.With this liberty to the petitioner and aforesaid observation, this Contempt Petition is closed.

11.03.2024

Index : Yes / No
Internet : Yes/ No
NCC : Yes / No
MGA

To

The Surveyor,
Survey and Settlement Operation,
Madurai East,
Madurai.



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G.R.SWAMINATHAN, J.

MGA

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