



CONT.P.(MD)No.547 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.547 of 2024

in

W.P.(MD)No.17859 of 2022

D.Vivek Thomas

... Petitioner

Vs.

1.Viravel,
The Surveyor,
Achambadu Village,
Achambadu Village Administrative Office,
Kizhavaneri, Valliyur Post,
Radhapuram Taluk,
Tirunelveli District – 627 117.

2.Selva Kumar,
The Village Administrative Officer,
Achambadu Village,
Kizhavaneri,
Valliyur Post – 627 117.

3.Esaki Pandian,
The Tahsildar,
Radhapuram Taluk,
Radhapuram Taluk Office,
Tirunelveli District – 627 117.

... Respondents



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Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnors / respondents herein for their deliberate and wilful disobedience of the order of this Court dated 10.08.2022 in W.P.(MD)No.17859 of 2022 under Article 215 of the Constitution of India read with Section 11 of the Contempt of Courts Act, 1971.

For Petitioner : Mr.K.Ragatheesh Kumar,
For M/s.Isaac Chambers.

For Respondents : Mr.P.Thambi Durai,
Government Advocate.

ORDER

Heard both sides.

2.The land measuring an extent of 142 cents stood in the name of J.P.Arasan, H/o.Aani Jessila Arasan. J.P.Arasan had executed power of attorney in favour of his wife, who is none other than the petitioner's sister. The said power agent sold 142 cents in favour of Sunderraj. Sunderraj subsequently sold 48.25 cents in favour of the petitioner's



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sister / Aani Jessila Arasan. She settled the same in favour of the petitioner. Now the petitioner moved this Court and obtained an order for conducting survey. The writ petition was disposed of by issuing usual directions. Pursuant to the directions given by this Court, the survey authority declined to conduct survey citing the objections of Sunderraj. In these circumstances, this contempt petition came to be filed.

3.Though the learned counsel for the petitioner was at pains to point out that the petitioner is seeking survey only in respect of 48.25 cents of land which is standing in his name, the survey authority was not simply justified in washing his hands of. He also points out that the first respondent did not personally conduct the survey even though the direction was issued to him. Instead the person who appears to favour the said Sunderraj was deputed for the job.

4.Though I find the petitioner's counsel's contention to be persuasive, I am not in a position to grant relief for the simple reason that the petitioner failed to obtain exclusive patta in his name for the land purchased by him. The usual order for conducting survey with the



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standard directions is passed only in those cases where the applicant has exclusive patta in his name. If it is not a case of exclusive patta, the relief sought for should be otherwise. The petitioner is therefore given liberty either to move the jurisdictional Civil Court or even this Court for an appropriate relief.

5. With this liberty to the petitioner, this contempt petition is closed.

03.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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