



CONT.P.(MD)No.850 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.850 of 2024

in

W.P.(MD)No.8853 of 2023

1.Ganesan

2.Natarajan

3.Selvam

4.Manoharan

... Petitioners

Vs.

Naganathan,
Tahsilar,
Karambakudi Taluk,
Pudukottai District.

... Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for Contempt of Court in not implementing the order of this Court as per the direction in W.P.(MD). No. 8853 of 2023 dated 19.06.2023.



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For Petitioners : Mr.N.Balakrishnan
For Respondents : Mr.P.Thambi Durai,
Government Advocate.

ORDER

The petitioners herein filed W.P.(MD)No.8853 of 2023 for mutation of patta in their favour. It is not in dispute that the land reflected the name of the petitioners' father / Veeraiah. The writ petition was disposed of on 19.06.2023 in the following terms:-

“4. With respect to grant of patta, it had been earlier contended that the land in Survey No.142/1 measuring 50.5 ares and in Survey No.142/2 measuring 54.5 ares had been allotted for Adi Dravidar Welfare scheme. The land of the petitioners is however distinct and situated at survey No.142/3A. It has been noted that all the names of the legal heirs of Veeraiah would have to be mutated in the revenue records. This will not only include the petitioners who are the sons but also include who are the daughters of Veeraiah. The learned counsel further stated that the mother is unfortunately no more.

5. A direction is issued to the third respondent to call upon the petitioners to produce the legal heir certificate of



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Veeraiah, specifically examine whether there are any daughters to Veeraiah and thereafter, protect the interest of the entire family members and if they are otherwise eligible, grant the patta in the name of all the legal heirs of Veeraiah.

6. To that extent, giving that particular direction, this writ petition is disposed of and the relief of damages is rejected. No costs. Consequently, connected miscellaneous petition stands closed.”

Contending that this order has not been complied with, the present contempt petition has been filed.

2. When the matter was taken up for hearing, the learned Government Advocate produced copy of the award dated 30.03.1992. It can be seen therefrom that the petition mentioned land comprises in Survey No.142/3A was one of the lands acquired for issuing free house site patta to members of adi dravidar community. Since the land in question had already been acquired, it may not be possible for this Court to direct mutation of patta. This aspect of the matter was not brought to the notice to the learned Judge who disposed of W.P.(MD)No.8853 of 2023. However, I do not go further into the facts. The petitioners may



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very well have some remedy under Section 24 of Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. All that I am now holding is that in view of production of award copy of 30.03.1992, it may not be possible to pursue this contempt petition further.

3.Granted liberty to the petitioners to work out their rights in the manner known to law, this contempt petition is closed.

15.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

Tahsilar,
Karambakudi Taluk,
Pudukottai District.



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G.R.SWAMINATHAN, J.

ias

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