



CONT.P.(MD)No.1473 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.1473 of 2024
in W.P.(MD)No.27752 of 2023

Chellathai

... Petitioner

Vs.

Dr.V.P.Jeyaseelan, I.A.S.,
District Collector,
Virudhunagar District,
Virudhunagar.

... Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, initiate Contempt proceedings against the contemnor herein for non-compliance of the order of this Court passed in W.P.(MD)No. 27752 of 2023 dated 20.12.2023 and punish him.

For Petitioner	: Mrs.Lakshmi Gopinathan, For M/s.Polex Legal Solutions.
For Respondent	: Mr.K.Balasubramani, Spl. Government Pleader.

ORDER

The petitioner herein filed W.P.(MD)No.27752 of 2023 for entering the classification of the petition mentioned land as ryot punjai



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instead of tharisu. The writ petition was allowed on 20.12.2023.

Questioning the same, the administration filed W.A.(MD)No.1405 of 2024. The writ appeal was dismissed on 20.08.2024. Contending that the order of this Court has not been complied with, this contempt petition came to be filed.

2.When the matter was taken up for hearing, the learned Special Government Pleader produced copy of the proceedings dated 23.09.2024 issued by the District Collector, Virudhunagar District indicating that the classification of the land has been changed as sought for by the petitioner. But then, the proceedings contain two conditions. The first condition is that the change of classification is subject to the final order to be passed by the District Revenue Officer in file No.B2/7129/2022. The second condition is that till the District Revenue Officer passes final order, the petitioner cannot be alienate or encumber the land.

3.The petitioner herein had purchased the property from one Selvaraj. The property is said to have assigned in favour of Selvaraj.



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The administration has now developed a doubt as to whether the assignment was actually in order. This is the subject matter of enquiry by the District Revenue Officer, Virudhunagar. While the District Revenue Officer can very well conduct his enquiry and it is always open to the petitioner herein to question the same in the manner known to law, the other condition ought not to have been imposed. When the land has been classified as patta land, the pattadar cannot be restrained. The rights of the pattadar may be subject to the outcome of the enquiry presently conducted by District Revenue Officer, Virudhunagar but that does not mean that the pattadar can be restrained from dealing with the property in the meanwhile. Condition No.2 set out in proceedings bearing No.Na.Ka.B2/7129/2022 dated 23.09.2024 is set aside.

4.Contempt petition is disposed of accordingly.

24.09.2024

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

ias

To:-

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District Collector,
Virudhunagar District,
Virudhunagar.

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