



Sub Aplc.(MD)No.237 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Sub Aplc(MD)No.237 of 2023
in
Cont.P.(MD)SR.No.61786 of 2023

Subramani

... Petitioner

Vs.

1.Muthusamy
Tahsildar,
Oddanchatram Taluk,
Dindigul District.

2.Kalimuthu
Surveyor,
Oddanchatram Taluk,
Dindigul District.

3.K.Muthuselvakumar

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor / respondents for their willful disobedience of the order passed by this Court in W.P.(MD)No.9167 of 2023, dated 20.04.2023.



Sub Apic.(MD)No.237 of 2023

For Petitioner : Mr.D.Venkatesh
For Respondents : Mr.N.GA.Nataraj
Government Advocate for R1 & R2

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for R1 & R2.

2. The third respondent herein filed W.P.(MD)No.9167 of 2023 for conducting survey. The writ petition was disposed of with direction to the survey authorities. Survey was conducted on 12.07.2023. Notice was given to the petitioner only on that date. The purpose of directing issuance of notice is that notice should be served on the interested persons and the adjacent landowners in advance so that they can formulate their objections, if any. The petitioner's further grievance is that the private respondents have put up fence thereby blocking his pathway. That is why, whenever I direct conducting of survey, I issue a direction that during survey, the boundaries will be earmarked and that the party should get the decree from the civil Court before putting up the fence. In this case, the petitioner was a third party to the writ petition.



Sub Apic.(MD)No.237 of 2023

WEB COPY

3. I am of the view that interest of justice will be served by directing the District Munsif Court, Oddanchathram to dispose of O.S.No.167 of 2017 on merits and in accordance with law on or before 30.08.2024. I give this direction taking note of the fact that the suit itself is almost seven years old. I have not gone into the merits of the matter. I hope that the learned trial Judge will not seek extension of time.

4. With this direction, the Contempt Petition is closed at SR Stage.

25.04.2024

Index: Yes/No

Internet: Yes/No

rmi

NOTE: Registry is directed to mark a copy of this order to the learned District Munsif Court, Oddanchatram.

To

1.Tahsildar,
Oddanchatram Taluk,
Dindigul District.

2.Surveyor,
Oddanchatram Taluk,
Dindigul District.

3/4



WEB COPY



Sub Aplc.(MD)No.237 of 2023

G.R.SWAMINATHAN, J.

rmi

Sub Aplc(MD)No.237 of 2023
in
Cont.P.(MD)SR.No.61786 of 2023

25.04.2024