



Cont.P.(MD) No.2085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

Cont.P.(MD) No.2085 of 2024

C.Kamaraj

.. Petitioner/Petitioner

Vs.

Kavitha,
Thasildhar,
Madurai South Taluk,
Madurai District.

.. Contemnor/
2nd Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondent herein for his willful disobedience and non-compliance of the order of this Court dated 11.10.2023 made in W.P.(MD) No.2192 of 2021.

For Petitioner : Mr.R.Suriya Narayanan

For Respondent : Mr.P.Thambidurai
Government Advocate



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ORDER

This contempt petition has been filed alleging willful disobedience of the order of this Court dated 11.10.2023 made in W.P.(MD) No.2192 of 2021.

2. This Court had passed the following order on 11.10.2023 in W.P. (MD) No.2192 of 2021:

“This writ petition has been filed for issuance of writ of mandamus directing the second and third respondents to subdivide the subject property and to issue separate patta in the name of the petitioner for an extent of 20 cents out of 27.06 ares.

2. The case of the petitioner is that his parents had purchased the subject property by virtue of a registered sale deed dated 04.04.1963. Even during the lifetime of his father, a joint patta was issued and the name of the father was also included in patta No. 2044. The father of the petitioner died on 17.10.2010 and the mother of the petitioner predeceased the father and thereafter, the petitioner and other legal heirs inherited the property. The petitioner wanted the property to be subdivided and for issuance of



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separate patta with respect to 20 cents. A representation was made in this regard by the petitioner on 26.12.2020. Since the same was not considered, the present writ petition has been filed before this Court.

3. The learned Special Government Pleader appearing on behalf of the respondents submitted that the second respondent will take a decision on the representation made by the petitioner in accordance with law.

4. Taking into consideration the facts and circumstances of the case and the limited relief sought for in the writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 26.12.2020 and deal with the same on merits and in accordance with law and take a final decision within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.

5. This writ petition is disposed with the above directions. No costs."



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3. The petitioner has come to this Court stating that the aforesaid order has not been complied with. However, it is brought to the notice of this Court by the learned Government Advocate for the respondent/contemnor that pursuant to the order of this Court, a survey was attempted on 19.01.2024 and the same could not be proceeded with, as there is a water stagnation in the property. Once again, an attempt was made on 13.05.2024, which was also unsuccessful. Therefore, the contention of the petitioner that no action has been taken cannot be countenanced. The respondent has attempted to comply with the order of the Court, but for reasons beyond her control, she is unable to survey and subdivide the lands, as there is water logging in the property. Therefore, the allegation that there is disobedience of the order is absolutely wrong and consequently, this Contempt Petition is dismissed.

22.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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To

Ms.Kavitha,
Thasildhar,
Madurai South Taluk,
Madurai District.



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P.T.ASHA, J.

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