



Cont.P(MD)No.1834 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Cont.P(MD)No.1834 of 2022

M.Rama Chelliah

... Petitioner / Petitioner

Vs.

1.John Tom Varghese,
District Collector,
Ramanathapuram District.

2.Gopu,
Revenue Divisional Officer,
Ramanathapuram.

3.Suresh Kumar,
Tahsildar,
Taluk Office,
Ramanathapuram District.

... Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the contemnors / respondents for their willful disobedience of the order made in W.P(MD)No.1382 of 2012, dated 27.06.2022 on the file of this Court.

For Petitioners : Mr.H.Velavadhas



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For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by Mr.C.Satheesh
Government Advocate

ORDER

The present contempt petition has been filed alleging violation of the order of this Court made in W.P(MD)No.1382 of 2012, dated 27.06.2022

2. The instant writ petition has been filed challenging the order passed by the District Collector, Ramanathapuram, dated 22.10.2009 wherein he had stated that since the extent of 84 cents in Survey No. 381/3 has not been acquired by the Government, he is not entitled to receive any compensation. Challenging the said order, the writ petition came to be filed.

3. According to the learned counsel appearing for the writ petitioner, without acquisition of the lands, the Government has granted patta to some third parties and has also permitted them to put up construction on the basis of the said pattas. This Court has passed an order on 27.06.2022 directing the authorities to proceed under the Land



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Acquisition Act or under any other relevant enactment and to proceed with the acquisition proceedings and to grant compensation in favour of the writ petitioner. Alleging non-compliance of the said order, the present contempt petition has been filed.

4. When the contempt petition came up for hearing on 23.07.2024, it was submitted that the entire 84 cents in Survey No.381/3 was never acquired by any one of the departments. Therefore, in order to identify the said 84 cents, this Court had directed the authorities to identify and locate the survey No.381/3 by a survey to be conducted on 27.07.2024. Accordingly, a survey was conducted on the said date in the presence of the writ petitioner.

5. The learned Additional Advocate General appearing on behalf of the State has contended that the no doubt the writ petitioner is the owner of the 84 cents and he is also having a patta for the said extent in Survey No.381/3. However, during Natham Nilavari Settlement Scheme, patta has been granted to third parties within this 84 cents and based upon the said patta, constructions have been put up by some third parties. Therefore, without any acquisition proceedings, pattas have been granted



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to third parties based upon the occupation of certain third parties. Hence, according to the learned Additional Advocate General, it is for the petitioner to challenge the subdivision of the property and the grant of patta in favour of the third parties without issuing any notice to him.

6. Per contra, the learned counsel for the petitioner has contended that only because of the patta granted by the Government, occupation has been taken place and therefore, they are liable to compensate the writ petitioner.

7. I have carefully considered the submissions made on either side and perused the records.

8. The facts narrated above will clearly indicate that the petitioner's father was granted patta for an extent of 84 cents in Survey No.381/3. This fact is also admitted by the Government. However, in the year 1984, when Natham Nilavari Settlement Scheme was carried out in the said village, based upon the occupation, pattas have been granted to certain third parties within this 84 cents. However, no acquisition proceedings have been effected. Therefore, it is clear that the Survey No.



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381/3 has been subdivided and pattas have been granted to third parties within this 84 cents without issuing any notice or giving any opportunity to the writ petitioner herein. In such circumstances, it is always open to the writ petitioner to approach the appropriate authorities for cancellation of the subdivision and the pattas granted to the third parties after giving due notice to the concerned persons. When the Government has taken a categorical stand that there is no acquisition proceedings from their side, no further adjudication is called for in the contempt petition.

9. Hence, the Contempt Petition stands closed with the above said liberty.

31.07.2024

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

- 1.The District Collector,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram.
- 3.The Tahsildar,
Taluk Office,
Ramanathapuram District.



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R.VIJAYAKUMAR ,J.

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