



Cont.P.No.816 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

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P. VELLAIYAMMAL,
WIFE OF PANJAN,
INDHILI VILLAGE (PO),
KALLAKURICHI TALUK,
VILLUPURAM DISTRICT.

... Petitioner

Vs

MR.M.PASUPATHY
THE TAHSILDAR,
KALLAKURICHI TALUK,
VILLUPURAM DISTRICT,
VILLUPURAM.

... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 praying to punish the respondents for the willful disobedience of the order passed by this Court in W.P.No. 28480 of 2012, order dated 05.06.2020.

For Petitioner : Mr.S.Ventakesh

For Respondent : Dr.S.Suriya
Additional Government Pleader



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ORDER

The contempt petition has been filed complaining of willful disobedience of the order passed by this Court dated 05.06.2020 in W.P. No. 28480 of 2012.

2. The relevant portions of the said order are contained in paragraphs 6 and 7, and the same are extracted hereunder for ready reference:-

“6. If the respondent is to reject the petitioner’s claim based on an alleged admission made by her, it has to be established that the admission is candid and unequivocal. Even assuming that the petitioner had given such a statement, the respondent, being a revenue official, has to specifically record in his order that the land is not in possession of the petitioner and he cannot go merely by an alleged statement made by the petitioner. For such a purpose, a report should have been called for from the Revenue Inspector or the Village Administrative Officer concerned and if necessary, the Tahsildar himself could have conducted an inspection. However, no such procedure is shown to have been adopted, which, if adopted, would have been a reasonable and proper procedure to be followed by the Revenue Authorities. Considering all these facts, this Court is inclined to interfere with the impugned order and remits the matter back to the respondent for a fresh consideration.

7. Accordingly, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the respondent for a fresh consideration of the



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petitioner's application for grant of patta in respect of the land comprised in S.P.No.130/3A. The respondent shall issue further directions to his officers to do a spot inspection of the subject land after notice to the petitioner, conduct an enquiry, in which, all the records shall be perused and thereafter take a decision on merits and in accordance with law. In the light of the statement made in the counter filed by the respondent that there is no proposal to allot the subject land to any third party, the respondent shall not assign the land to any other party till final orders are passed in terms of the above directions. No costs. Consequently, the connected WMP is closed."

3. *Mr.S.Venkatesh*, the learned counsel appearing on behalf of the contempt petitioner, pointing to paragraph No. 3 of the order, would submit that earlier, the Court had perused the records and come to a *prima facie* conclusion. Further, the fact that the land had been allotted in favour of a third person was never brought to the notice of this Court. The petitioner was also not issued any notice and no opportunity was granted. Therefore, the action of the respondent amounts to contempt. He would further submit that, in the interregnum, a patta had also been issued on 10.01.2024, in direct violation of the directions of the Court.

4. When the matter came up for hearing, the learned Additional Government Pleader, taking notice on behalf of the respondent, produced the



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order dated 10.03.2025. The relevant portions of the order, contained in Pages 2 and 3, state that the petitioner was given an opportunity and the petitioner made his submissions and was heard. The surveyor also inspected the property and a report has been submitted. The issue has been examined in light of the judgment. Findings have also been given with reference to the possession of the property, stating that only third parties are in possession after constructing a house.

5. Therefore, when the impugned order states the reasons with reference to the directions given, unless the compliance is merely a paper compliance without considering the spirit of the order, the Court cannot further go into the matter in a contempt petition. However, if the orders are erroneous with reference to any findings made in the earlier round or in any other manner whatsoever, it would be open for the petitioner to contest the said order in the manner known to law.

6. Keeping open the liberty of the contempt petitioner to seek remedies against the said order dated 10.03.2025, this contempt petition stands closed.

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Neutral Citation: Yes/No

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D.BHARATHA CHAKRAVARTHY, J.

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