IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 13-11-2025**

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR**
**AND**
**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**CONT A Nos. 25 & 26 of 2025**

S. Veni
Chairman Cum Special Deputy Collector,
Revenue Court,
Mayiladuthurai 609 001.

Appellant in both appeals

Vs

1. T. Shankar — 1st respondent in both the appeals

2.N. Sankar — 2nd respondent in Cont.A.No.25 of 2025

3. G. Arunkumar — 2nd respondent in Cont.A.No.26of 2025

Respondent(s)

**PRAYER**

Both the Contempt Appeals filed under Section 19 of the Contempt of Courts Act, 1971 to set aside the order dated 28.04.2025 passed in Contempt Petition Nos.609 and 610 of 2025 and allow these Contempt Appeals.

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|---|---|
| For Appellant in both Cont.A | Mr. J. Ravindran, AAG,<br><br>Assisted by<br>Mrs. R.Anitha, SGP |
| For Respondent in both Cont.A: | Mr. B.Jawahar, for R1 |

**COMMON ORDER**

**(Order of the Court was made by N.Sathish Kumar J.)**

Challenging the order of the learned Single Judge punishing the appellant for alleged contempt and directing her to undergo imprisonment for two days in a civil prison with a fine of Rs.2000/-, and in addition directing the concerned authorities to initiate disciplinary proceedings against her, the present Contempt Appeals have been filed.

2. The learned single judge has passed the impugned order taking note of the fact that though the revenue proceedings in P.Nos.144 & 145 of 2024 under the Tamilnadu Cultivating Tenants Protection Act, pending before the Court, ought to be transferred to some other Revenue Court in Tr.CMP Nos.873 and 874 of 2025 in CMP Nos.19239 and 19241 of 2024, and this Court vide order dated 03.09.2024 has stayed all further proceedings in P.Nos.144 & 145 of 2024 and the order was said to have been communicated to appellant/ Contemnor on 04.09.2024. Nevertheless, the respondent filed a contempt on the ground that despite being informed of the stay order, the contemnor, without complying with the same, has antedated the order as if the proceedings were concluded on

07.08.2024 itself.

3. According to the respondent, if really the proceedings before the Revenue Court had truly concluded by passing the eviction order on 07.08.2024, there was no necessity to post the case to the next hearing on 21.08.2024. According to the learned counsel, the cases were posted for the next hearing date on 21.08.2024. However, on that day, the matters have not been called and therefore, he has initiated contempt.

4. The learned Single Judge has called for the records and found that the petitioner's cases were listed from 12.06.2024 and the same position continued till 26.06.2024. Thereafter, the matters had been adjourned to 07.08.2024. The learned Single Judge has also taken note of the fact that there was no proper entry to show that the order allegedly passed on 07.08.2024 was properly communicated. Hence, the learned Single Judge concluded that the order dated 07.08.2024 was antedated and, while holding that the contemnor committed contempt, set aside the order dated 07.08.2024 and transferred the revenue cases

to the Revenue Divisional Officer, Nagapattinam for further hearing.

5. Heard the learned Additional Advocate General appearing for the petitioner, learned counsel for the respondent and we have also perused the records carefully.

6. On perusal of the records, we are of the view that the case has been projected as if the respondent's cases had been posted after 07.08.2024 and scheduled on 21.08.2024. On perusal of the records, particularly, the cause lists dated 07.08.2024 and 21.08.2024, we find that though the respondent's cases had been posted on 07.08.2024. thereafter, the cases were not listed. Whereas, the cause list dated 21.08.2024 reflects the case numbers, namely, 144, and 145 of 2018, where as the respondent's case numbers are 144 and 145 of 2024. The contention of the respondent that despite the alleged order dated 07.08.2024, the cases had been posted on 21.08.2024 is factually incorrect. Therefore, holding that the order antedated, in our view, may not be correct.

7. However, the fact remains that on verification of the records, the eviction order has been passed as if the entire land is not being used for cultivation and has become a commercial property. Such order, based on the so-called commissioner report relied upon by the contemnor herein, is unsustainable. On perusal of the report, it is evident that the very order is not even based on the Commissioner Report also and this clearly indicates that the order is not on merits. The learned Single Judge has already set aside the order. Therefore, we are not inclined to interfere with that finding alone.

8. With regard to the transfer ordered by the learned Single judge, we are of the view that the Revenue Divisional Officer, Nagapattinam, has no jurisdiction to decide the issue relating to cultivating tenant. The proper forum would be the Revenue Court at Nagapattinam. Hence, the learned Single Judge ordered directing the transfer of the case in T.Nos.144 and 145 of 2024 to be decided by the Revenue Court, Nagapattinam.

9. With regard to the punishment for contempt, since the learned Single

Judge has proceeded as if, despite the alleged order, the matters had been posted thereafter, and listed as antedated, whereas the records show that the respondent's cases had not been posted after 07.08.2024. We find that the finding of the learned Single Judge holding the contemnor guilty is not based on reliable material.

10. In such view of the matter, we interfere with the order passed by the learned Single Judge only with respect to the punishment imposed on the contemnor.

11. Accordingly, these Contempt Appeals are partly allowed and the finding of the learned Single Judge imposing the punishment of two days civil prison and a fine of Rs.2000/- and the further direction to take disciplinary action, are set aside. It is open to the petitioner to pursue the matter before the Revenue Court, Nagapattinam and Revenue Court shall decide the cases independently.

**(N.SATHISH KUMAR J.) (M.JOTHIRAMAN J.)**
**13-11-2025**

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

mrp

To

The Revenue Court,
Nagapattinam.

**N.SATHISH KUMAR J.**
**AND**
**M.JOTHIRAMAN J.**

mrp

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