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Cont.P.No.3045 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Cont.P.No.3045 of 2024
in
W.P.No.28008 of 2017

Dhanapal

... Petitioner

Vs.

C.Palani, IAS,
The District Collector,
Villupuram District,
Villupuram.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for deliberately and willfully disobeying the order of this court dated 21.11.2023 made in W.P.No.28008 of 2017.

For Petitioner : M/s.P.Saravana Sowmiyan

For Respondent : Mr.A.Selvendran
Special Government Pleader



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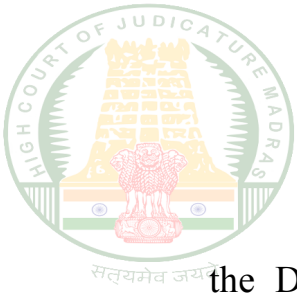
ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The contempt petition has been instituted to punish the respondent for deliberately and willfully disobeying the order of this court dated 21.11.2023, made in W.P.No.28008 of 2017. The following orders are made by this Court:

"9. Considering the facts and circumstances of the case and in the light of Rule 9(1)(iv), supra, and also the aforesaid communication dated 21.11.2023 of the first respondent, this Court is of the view that the petitioner is entitled to 35 cents in S.No.11/1 in Kandampakkam Village, Villupuram District.

10. In such perspective of the matter, the first respondent is directed take possession of the land measuring 49 cents in S.No.11/1 of Kandampakkam Village, Villupuram Talum and allot 35 cents from and out of the said land, to the petitioner, within a period of three months from the date of receipt of a copy of this order. It is made clear that this order shall be without prejudice to the rights of the parties in O.S.No235 of 2022 on the file of the Principal District Court, Villupuram."

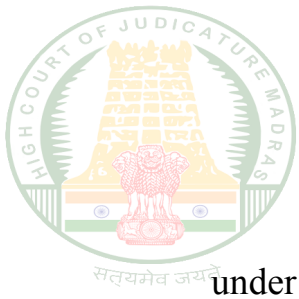


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2. The learned Counsel for the petitioner would submit that though the District Collector, Villupuram passed an order in proceedings dated 12.11.2024, assigning 35 cents as per the directions of this Court, possession has not been handed over. Therefore, the petitioner is constrained to move the present contempt petition.

3. Mr.A.Selvendran, the learned Special Government Pleader for the respondent would submit that admittedly, a Civil suit in O.S.No.235 of 2022 is pending on the file of the Principal District Court, Villupuram.

4. The second respondent in the writ petition is the plaintiff claiming entire extent of land. It is a title suit. Therefore, an adjudication on merits with reference to the documents are essential for determining the rights of the parties. However, pursuant to the orders of the Court, the District Collector has assigned 35 cents. Therefore, the petitioner has to establish his right based on the order passed by the District Collector in a civil suit for taking decision in the manner known to law.



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5. This court is of the considered opinion that to punish an Official under the provisions of the Contempt of Courts Act, mere disobedience of the orders of the Court would be insufficient. There must be willful disobedience of the orders of the court, which alone would result in forming an opinion that the Authority has committed contempt of Court.

6. Disobedience may arise on account of various circumstances. In the present case, the title suit in O.S.No.235 of 2022 is pending in respect of the subject property measuring to an extent of 49 cents in Survey No.11/1, in Kandampakkam Village, Villupuram Taluk. Out of 49 cents, the District Collector, Villupuram has now assigned 35 cents to the petitioner. However, possession is unable to be taken by the District Collector on account of pendency of civil suit.

7. Property rights cannot be adjudicated in a writ proceedings or in contempt proceedings. The competent civil court alone has to adjudicate the title dispute based on the documents and evidences available on record. Therefore, High Court is not expected to give any finding relating to title either in the writ petition or in a contempt proceedings. Therefore, liberty is



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granted to the petitioner to contest the civil suit to establish his right based on the assignment granted by the District Collector or institute appropriate proceedings seeking possession of the property or for any other relief, as the case may be. However, we do not find any willful disobedience of the orders of this Court as the District Collector has passed the order assigning 35 cents in the subject property as directed by this Court.

Consequently, the Contempt Petition stands **closed**.

[S.M.S,J.] [K.R.S,J.]
07.02.2025

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

To

C.Palani, IAS,
The District Collector,
Villupuram District,
Villupuram.



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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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