

Contempt Petition No.3880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition No.3880 of 2024

Raman
S/o.Perumal Goundar

.. Petitioner

Vs.

1. Mr.Manokaran
Tahsildar
Kadamyampatti Taluk
Salem District

2. Elumalai

S/o.Perumal

.. Respondents

(second respondent *suo motu* impleaded
as per order dated 07.02.2025)

Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his wilful and flagrant violation of the order dated 28.07.2023 in W.P.No.22331 of 2023 passed by this Court.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader for R1



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ORDER

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When this contempt petition came up for hearing on 21.02.2025, this Court passed the following order:

“The 1st respondent has filed a counter and the relevant portions are extracted hereunder:

5. I submit that, subsequently once again the field survey notice has been issued from the office of the Taluk Surveyor to the respective parties and duly served the same to the individuals and the Taluk Surveyor visited the property bearing S.No's. S.No's.268/7A, 268/3, 272/1A, 272/3 and 269/2D situated at Koo. Kuttapatti Village, Kadayampatti Taluk, Salem District and tried to survey the properties by fixing the boundary, while so one Elumalai, who is the brother of the petitioner has strongly opposed to measure the property, since the actual possession and enjoyment was drastically differed from the revenue records and actual possession of the parties and also the family members of the said Elumalai have continuously disturbed by giving life threat to the officials who were involved in the measurement. Hence, the officials could not able to complete the measurement. In the said circumstances the petitioner has informed that, the mediation proceeding would be initiated with Elumalai who is his brother and he further informed that after completion of the mediation talks he would approach the Taluk Office for the further



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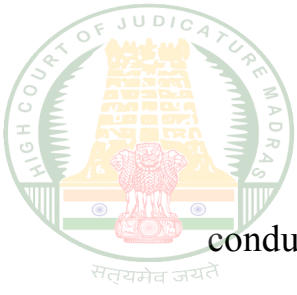
measurement, while so the officials have requested to give written consent for the same, but the petitioner has failed to undertake the same. In the said circumstances, the present contempt petition has been filed by the petitioner as against the respondents.

6. I submit that, the incompleteness of the survey regarding the above mentioned properties by officials is neither willful nor wanton due to the above said facts only. As per the undertaking given by the 3rd respondent in the above main writ petition namely Elumalai S/o.PerumalGounder has not acted upon and subsequently given enormous disturbances to the Surveyor during the time of measurement by colluding with his family members. Hence, the entire efforts of the Surveyor and other officials have become futile and ended in vain.

2.This Court issued statutory notice to the impleaded 2nd respondent and service is awaited. Post this contempt petition on 03.03.2025 at 2.15 p.m.”

2. Pursuant to the statutory notice issued by this Court, the second respondent was present before this Court.

3. The learned counsel for the second respondent submitted that the second respondent will cooperate for the survey to be conducted in the subject property and requested this Court that the survey should be



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conducted in line with the partition deed that was entered into between the petitioner and the second respondent on 27.11.1996.

4. In the light of the above stand that has been taken by the second respondent and the undertaking given by the second respondent that he will not cause any disruption in conducting the survey, the same is recorded and there shall be a direction to the first respondent to comply with the order passed by this Court dated 28.07.2023 and complete the survey within a period of two weeks from the date of receipt of a copy of this order.

This contempt petition is disposed of in the above terms.

03.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gpa



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To
The Tahsildar
Kadamyampatti Taluk
Salem District



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N.ANAND VENKATESH.J.,

gpa

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