



Cont.P.(MD)No.334 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.02.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

Cont. P(MD)No.334 of 2023

in

W.A.(MD)No.238 of 2021

R.Santhanam

... Petitioner / Petitioner / Appellant

Vs.

1.Sugaputhra,
The District Revenue Officer,
District Revenue Office,
Thanjavur,
Thanjavur District.

2.P.Venkatesan
The Tahsildar,
Taluk Office,
Kumbakonam,
Thanjavur District.

3.P.Ramadass ... 1 to 3 Contemnors / 1, 3, 6th Respondents /
1, 3, 6th Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors / respondents herein for the act of contempt committed by the contemnors / respondents for their willful



Cont.P.(MD)No.334 of 2023

disobedience and non-compliance of the order of this Court made in C.M.P. (MD)No.709 of 2021 in W.A.(MD)No.238 of 2021, dated 04.02.2021.

For Petitioner :Mr.T.R.Subramanian

For Respondent :Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 & R2

: Mr.V.Jankiramulu for R3

ORDER

Heard both sides.

2. The third respondent herein filed W.P.(MD)No.23929 of 2019 for directing the District Revenue Officer, Thanjavur to dispose of the appeal filed by him for transfer of patta from the petitioner's name to his name. The writ petition was disposed of on 13.11.2019 with a direction to the District Revenue Officer, Thanjavur to dispose of the appeal after hearing both the parties. Aggrieved by the same, the petitioner herein filed W.A.(MD)No.238 of 2021. On 04.02.2021, interim stay was granted.

3. The grievance of the petitioner herein is that one year later, patta transfer had been effected and that this constitutes breach of the direction given by this Court.

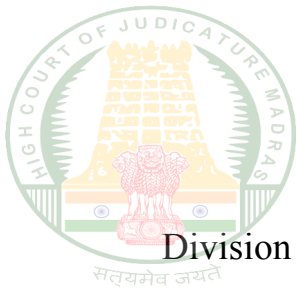


Cont.P.(MD)No.334 of 2023

WEB COPY

4. Today when the matter was taken up for hearing, the learned counsel for the third respondent submitted that since Santhanam did not come forward for registering the transaction, Ramadass moved the District Registrar seeking compulsory registration. Pursuant to the said direction, the document was also registered in the name of Ramadass. Santhanam sought cancellation of this order. His request was rejected. Challenging the order dated 23.08.2016 passed by the District Registrar, Kumbakonam for compulsory registration, Santhanam filed W.P.(MD)No.24840 of 2016. The said writ petition was withdrawn by Santhanam with liberty to file a civil suit. W.P.(MD)No.24840 of 2016 was dismissed as withdrawn on 20.08.2024 with the aforesaid liberty. In the meanwhile, Ramadass executed the settlement deed in favour of his wife Shanthi. The settlement deed was also duly registered as Document No. 503 /2022 on the file of the SRO, Swamimalai.

5. The learned Additional Government Pleader informs us that when such transactions are registered, automatic changes takes place in the revenue record and that is how, patta came to be transferred in favour of Shanthi W/o.Ramadoss. The learned counsel appearing for the respondents submitted that DRO did not pass any order in breach of the stay order passed by the



Cont.P.(MD)No.334 of 2023

Division Bench. They submit that the automatic changes effected due to software cannot constitute contempt. Since only a willful breach of the direction or order passed by the Court will constitute contempt, we are satisfied that there is no willful element present here. In any event, availing the remedy given by the writ Court, the petitioner herein has also filed O.S.No.477 of 2024 before the Principal Sub Court, Kumbakonam. The next hearing date is 17.02.2025. The petitioner can very well pursue his remedy in the pending civil suit. The contempt petition stands closed.

[G.R.S., J.] [M.J.R., J.]
12.02.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
rmi

To

1.The District Revenue Officer,
District Revenue Office,
Thanjavur,
Thanjavur District.

2.The Tahsildar,
Taluk Office,
Kumbakonam,
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