



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Thursday, the Thirteenth day of March Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR.JUSTICE P.B.BALAJI

SUB A(MD). No.265 of 2024
in
CONT P(MD).NO.1244 of 2015

M/s. Hotel Ornate (Nilgires)Private Limited
Represented by its
Managing Director
No.310, Veer Savarkar Marg,
Dadar, Mumbai.
Rep by General of Attorney Holder
Srinivasan.

... Petitioner/Petitioner

Vs

1 Wilsondevadoss, Thasildar,
Kodaikanal Taluk
Kodaikanal.

(Present Respondent is Impleaded Vide Court
Order Dated 23.7.2019)

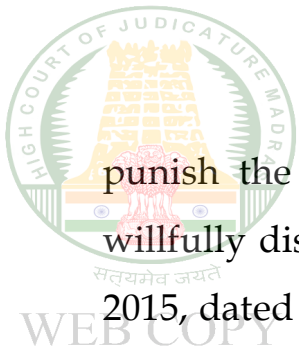
... Contemnor/Respondent

Prayer :-

Sub Application filed Under Section of the 11 of the Contempt Court Act To REOPEN AND REHEAR the CONT P(MD) No.1244 of 2015 and punish the Respondent for his deliberate disobedience of this court in WP. (MD).No.8491/2015 dated 21.05.2015.

Prayer in Cont P(MD).No.1244 of 2015:

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to



punish the respondent herein for committing contempt of this Court by willfully disobeying the order passed by this Court in W.P.(MD) No.8491 of 2015, dated 21.05.2015.

Prayer in WP(MD). 8491/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus directing the 3rd respondent to survey the petitioners property by implementing the order of the 3rd respondent made vide Na.ka.no.5623/2003/A2 dated 23.12.2003 and pass such other order or orders as this Hon'ble Court may deem fit.

ORDER:- This Sub Application Petition is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s.R.Harinath, Advocate for the Petitioner and of Mr.B.Saravanan Additional Government Pleader for the respondent, this Court made the following order:

The learned Additional Government Pleader would submit that survey was conducted even in the year 2015 and he has produced the necessary communication in Na.Ka.No.4476/2015/S, dated 17.08.2015 on the file of the Tahsildar, Kodaikanal.



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2. However, the learned Counsel for the petitioner would invite my attention to the order passed by this Court in the very above Contempt Petition in Cont.P.(MD)No.1244 of 2015 on 20.08.2019, wherein, this Court had recorded the stand of the Tahsildar, Kodaikanal, that survey was fixed on 02.08.2019 and on the said day, the survey was not conducted and the date was also postponed and this Court directed the matter to be called on 20.08.2019 for filing compliance report and recording the statement of the then learned Additional Government Pleader that despite efforts taken by the respondents to comply with the order, in view of objections raised by the private parties, the survey could not be conducted on the said date and directing compliance of the order of this Court. The respondent was given liberty to take the assistance of the police in this regard, namely, the Kodaikanal Police Station. Therefore, it cannot be accepted that the survey was conducted in the year 2015 and in view of the above, the sub application is allowed and the order passed by this Court, dated 06.09.2024 in Cont.P.(MD)No.1244 of 2015 is recalled



and the Contempt Petition in Cont.P.(MD)No.1244 of 2015 is
restored to file.

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Sd/-

Assistant Registrar (CS III)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1. The Thasildar,
Kodaikanal Taluk,
Kodaikanal.
2. The Special Govt. Pleader,
Madurai Bench of Madras High Court, Madurai

Copy to:

The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 13/03/2025

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ORDER

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SUB A(MD). No.265 of 2024
in
CONT P(MD).NO.1244 of 2015

Giving direction and etc.
as stated within.

KR/25.03.2025 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023