

Nagoorkani Vs. Rajaraman and Others

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Court : Chennai Madurai

Decided On : Jul-18-2016

Judge : M. Venugopal

Appeal No. : CONT.P(MD)No. 207 of 2016 & W.P(MD)No. 17510 of 2014

Appellant : Nagoorkani

Respondent : Rajaraman and Others

Judgement :

(Prayer:Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the respondents for their wilful disobedience in the implementation of the order of this Court made in W.P:(MD)No.17510 of 2014, dated 30.10.2014.)

1. According to the Learned Government Advocate appearing for the Respondents 1 to 3, the order passed by this Court in W.P(MD)No.17510 of 2014, dated 30.10.2014 was complied with by the Second Respondent by means of proceedings, dated 15.07.2016.

2. It appears that the Second Respondent had stated in his proceedings, dated 15.7.2016, inter-alia to the effect that as per Panchayat Resolution No.26, dated 13.06.2014, the Plan Approval was cancelled and further, in respect of Survey numbers of the proceedings, there are no new constructions and as such, the request of the Petitioner was rejected.

3. At this stage, the Learned Counsel for the Petitioner informs this Court that this Court's order, dated 30.10.2014, passed in W.P(MD)No.17510 of 2014 has not been complied with by the Second Respondent in his proceedings, dated 15.7.2016 and in fact, the Second Respondent had rejected the representation of the Petitioner.

4. It is to be remembered that this Court on 30.10.2014 in W.P(MD)No.17510 of 2014 filed by the Petitioner, at Para 3, had observed the following and disposed of the Writ Petition without costs, which reads as under:

"3. In view of the fact that the Petitioner is only seeking a relief in the present Writ Petition praying for passing of an order by this Court in directing the respondents 2 to 4 to take appropriate action as per the proceedings of the first respondent dated 28.05.2014, this Court, in the interest of justice and fair play, directs the respondents 2 to 4 to take necessary action in accordance with the proceedings of the first respondent dated 28.05.2014 within a period of six weeks from the date of receipt of a copy of this order(of course after providing necessary opportunities to the Petitioner and others, if any, by adhering to the principles of natural justice)."

5. In view of the categorical stand taken on behalf of the Petitioner that the Second Respondent/The Revenue Divisional Officer, Sivagangai, Sivagangai District in his proceedings, dated 15.7.2017, had rejected the representation of the Petitioner and in fact, had not followed the order passed by this Court in W.P(MD)No.17510 of 2014, dated 30.10.2014, at this stage, this Court grants permission to the Petitioner to assail the legality and validity of the proceedings, dated 15.7.2016 issued by the Second Respondent before the competent forum in the manner known to Law and in accordance with Law, if he so desires/advised. It is open to the Petitioner to raise all factual and legal pleas when the Petitioner assails the correctness of the proceedings, dated 15.7.2015, passed by the Second Respondent.

6. In view of the above, the Contempt Petition stands closed.