



Cont. P(MD)No.346 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont. P(MD)No.346 of 2023

in

W.P.(MD)No.427 of 2023

M.Kottaisamy

... Petitioner

Vs.

A.Suresh Frederic Clements,
Executive Magistrate & Tahsildar,
Usilampatti Taluk,
Madurai District.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent 3 / contemnor for disobeying and defying the order dated 09.02.2023 passed in W.P.(MD)No.427 of 2023 on the file of this Court in accordance with law.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.



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2. In the interest of justice, this Court also heard the other counsel who appeared in the main writ petition and also Thiru.Ramsundar Vijayaraj appearing for Thiru.Palaniyappan S/o.Karuppanan.

3. When the issue arose before this Court, it was disposed of with certain directions. Therefore, the jurisdictional executive magistrate ought not to have convened the peace committee meeting which had acted at cross-purpose and frustrated the effectuation of the order passed by this Court.

4. The learned Special Government Pleader submitted that the proceedings which have given rise to the present contempt petition will stand withdrawn.

5. It is stated by the learned counsel appearing for the petitioner that procession can be conducted on 25.03.2023 and 26.03.2023. There is some controversy as to who will lift the pooja box. Since there is dispute between the two branches, I do not want to declare as to who will



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be the periya poojari. However, for the purpose of enabling the religious procession for this year alone to be conducted, Thiru.Chella Pandi is permitted to carry the pooja box. This Court is not recognizing his status as periya poojari. Thiru.Palaniyappan has also some rival claim. He can very well adjudicate his right in the present pending suit. The order passed either in the writ petition or in the contempt petition will not strengthen the hands of any of the parties. It is for the civil court to decide. The jurisdictional police are mandated to ensure that the order passed now is scrupulously complied with. If the direction given by this Court is breached by any of the parties, contempt petition can be filed by the aggrieved party.

6. The contempt petition is disposed of.

20.03.2023

Index: Yes/No
Internet: Yes/No
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NOTE:Issue Order Copy on 21.03.2023



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G.R.SWAMINATHAN, J.

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To

The Executive Magistrate & Tahsildar,
Usilampatti Taluk,
Madurai District.

ORDER MADE IN

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in

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20.03.2023