



Cont.P.(MD)No.1581 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 08.12.2025

Pronounced on : 23.01.2026

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Cont.P.(MD)No.1581 of 2025

in

W.P.(MD)No.22601 of 2024

Vincent Albert

... Petitioner/
Petitioner

Vs.

Mr.Somasundaram
Inspector of Police,
Taluk Police Station,
Keezhavasal,
Thanjavur District.

... Contemnor/
Respondent No.3

Prayer : This Contempt Petition filed under Section 11 of Contempt of Court Act, to punish the contemnor herein for the willful disobedience of the order passed by this Court in W.P.(MD)No.22601 of 2024 dated 24.09.2024.

For Petitioner : Mr.R.J.Karthick

For Contemnor : Mr.A.Balaji



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ORDER

The petitioner has filed the above Contempt Petition, invoking Section 11 of the Contempt of Courts Act seeking orders to punish the contemnor for the willful disobedience of the order passed in W.P. (MD)No.22601 of 2024 dated 24.09.2024 on the file of this Court.

2. The petitioner, by alleging threats to his life and limb and to his property, filed a writ of mandamus in W.P.(MD)No.22601 of 2024 directing the respondents therein to grant police protection to the petitioner's life and limb and the petitioner's property in Survey No.23 subdivided as Survey No.23/1A1A1A at Vilar Village, Thanjavur Taluk, Thanjavur District to an extent of 12,600 sq.ft. measuring north south 60 feet and east west 210 feet in the light of the decree passed in O.S.No.331 of 2008 on the file of the Principal District Munsif Court, Thanjavur dated 31.08.2021 and O.S.No.2 of 2022 on the file of the Additional Subordinate Court, Thanjavur dated 05.07.2024. Considering the submission made by the learned counsel for the petitioner and the learned Additional Public Prosecutor for the police authorities, this Court passed an order dated



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24.09.2024 directing the petitioner to give fresh representation to the Inspector of Police, Taluk Police Station, Keezhavasal, Thanjavur District and on receipt of such representation, the said Inspector of Police was directed to consider the petitioner's representation by taking note of the decree passed by the competent civil Court and take a decision within a period of one week from the date of receipt of representation from the petitioner.

3. The case of the petitioner canvassed in the present contempt petition is that the petitioner gave a representation dated 08.11.2024 to the third respondent and requested him to comply the order passed by this Court, that the rival party Thiru.Aravindhan admitted that he did not file any appeal against the decree passed in O.S.No.2 of 2022 during the petition enquiry conducted by the contemnor in CSR.No.876 of 2024 and he prayed time to file appeal, that no appeal has been filed by the said Aravindhan till filing of the contempt petition, that the contemnor has also sought for opinion from the Government Advocate and he had also opined to grant police protection in terms of the decree of the civil Court, that survey has also been done on 19.02.2025 on the request of the contemnor,



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but the rival party disturbed the entire survey process, that the Surveyor had made his report against the judgment and decree and he has gone into the verdict of the civil Court, that the rival party is only a pendente lite purchaser and his suit was already dismissed, that though there is no impediment to grant police protection in terms of the civil Court decree, there was no action on the part of the contemnor, that since the contemnor has not taken steps to comply with the order of this Court, the petitioner was constrained to issue a contempt notice dated 23.04.2025 to the contemnor calling upon him to comply with the order passed by this Court and even thereafter, the contemnor has not come forward to comply with the order of this Court and that therefore, the petitioner was forced to file the above contempt petition.

4. The contemnor has filed a counter affidavit stating that in compliance with the direction of this Court, the petitioner's representation dated 08.11.2024 was duly registered as CSR.No.876 of 2024 dated 09.11.2024, that thereafter coordination was established with the office of the Tahsildhar, Thanjavur to facilitate a field inspection and survey of the subject property, that the Tahsildhar issued notices to both the petitioner and the concerned parties including the rival party Aravindhan calling



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upon them to appear for joint inspection and survey on 19.02.2025, that the contemnor was personally present at the site along with the team of police personnel to maintain peace and provide adequate police protection to the petitioner at the time of field survey, that field level proceedings were carried out smoothly under secure conditions and the parties were permitted to present their respective documents and claims, that the Sub Inspector of Survey, upon verification of the site and examination of the documents furnished by both sides, reported that due to discrepancies in the sketch of Fathima Nagar plots and variation in the boundaries, survey could not be conclusively completed and the said fact was duly intimated to both parties, that the entire process was conducted transparently and under due diligence, that the petitioner, despite having knowledge about the survey, has chosen to file the present contempt petition only to shift the burden upon the contemnor without any justifiable basis, that the contemnor has never at any point evaded or ignored compliance, that though the petitioner was informed orally on the same day, formal written communication was subsequently issued on 07.10.2025 after a brief delay on his part, that the said delay was neither willful nor intentional, that the contemnor at no point of time has willfully disobeyed or disregarded the



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order of this Court and that since the direction of the High Court has been duly complied with to the extent possible and no prejudice has been caused to the petitioner, he requested to accept the affidavit and the unconditional apology tendered by him.

5. It is not in dispute that the petitioner filed a suit in O.S.No.331 of 2008 claiming permanent injunction restraining the defendants therein from interfering with the petitioner's peaceful possession and enjoyment of the suit property and that the suit was decreed on 31.08.2021 granting the relief of permanent injunction. It is also not in dispute that the rival party Aravindhan filed a suit against the petitioner claiming the reliefs of declaration, permanent injunction and also to declare that the sale deed dated 13.01.2003 in favour of the petitioner is invalid and is not binding on the said Aravindhan in O.S.No.2 of 2022 and the learned Additional Subordinate Judge, Thanjavur dismissed the suit on 05.07.2024.

6. The learned counsel appearing for the contemnor would submit that at the instance of the contemnor and as per the directions of the Tahsildhar, Thanjavur, survey was conducted and the Sub Inspector of



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Survey, upon considering the documents produced and on inspection of the site, has reported that survey could not be conclusively completed. The

Sub Inspector of Survey, in his report to the Tahsildhar, observed,

□மேற்படி புல எண் 23/1A1A1A-ல் எல்லையை அளக்க கோரி அளிக்கப்பட்ட மனுவின் மீது 19.2.2025 அன்று சார் ஆய்வாளராகிய நான், கிராம நிர்வாக அலுவலர், தாலுகா காவல் நிலைய காவல் ஆய்வாளர் 2 பேர் ஆகியரோடு ஸ்தலத்தில் ஆஜராகி அளவைப் பணி மேற்கொள்ளப்பட்டது. நாஞ்சிக்கோட்டை சரகம், விளார் கிராமம் புல எண்.20, 23-ல் அமையப்பெற்ற மனைப்பிரிவு □பாத்திமா நகர்□மனை எண்கள் 60, 61, 1, 2, 3, 4, 5 ஆகியவை அளவைப்பணி செய்யப்பட்டது. மனுதாரரான வின்சென்ட் ஆல்பர்ட் புஞ்சை நில சுத்தக் கிரைய சாசனமாக shop site, மனை எண்கள் 1, 2, 3, 4-ல் 12600 சதுர அடியை சுத்த கிரைய சாசனமாக செய்துள்ளார். பூமியில் பல்வேறு நபர்களில் சிலர் பாத்திமா நகரில் மனைகளாக பிரித்து கிரைய சாசனம் பெற்றுள்ளனர். அதே மனை எண்களான 1, 2, 3, 4 கடை ஸ்தலத்தை புஞ்சை கிரைய சாசனமாக மனுதாரர் பெற்றுள்ளார். தற்போது அவரவர் அனுபவப்படி அளவைப்பணி செய்யப்பட்டது. □பாத்திமா நகர்□மனைப்பிரிவின்படியோ மனுதாரரின் கிரைய சாசனத்தின்படியோ அளவைப்பணி செய்தால் மனுதாரரின் கிரைய சாசனம் □பாத்திமா நகர்□மனை எண் 1, 2, 3, 4 மற்றும் கடை பகுதி வருவதால் நில அளவையரால் ஸ்திரமான அளவைப்பணி மேற்கொள்ள இயலவில்லை என்பதை பணிவுடன்



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தெரிவித்துக்கொள்கிறேன்.□

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7. The contemnor, who appeared in person, submitted that at the time of survey, necessary police protection was given and the petitioner was insisting to give police protection to construct a new compound wall. He further submitted that there existed a concrete compound wall but the petitioner was insisting to give police protection to construct another wall enclosing more space but that was resisted and objected by the rival parties.

8. The learned counsel appearing for the petitioner would submit that since wall which existed earlier was demolished, he was seeking police protection to construct new wall. But a cursory perusal of the photographs produced would reveal that there existed a concrete compound wall on the eastern side and according to the contemnor, the petitioner was attempting to construct a new wall enclosing more space and not for re-erecting the demolished wall. These disputed facts cannot be gone into in the present contempt proceedings.

9. Even according to the petitioner, the contemnor had taken



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necessary steps for conducting survey and he was present along with his team while survey work was being carried out. No doubt, according to the learned counsel appearing for the petitioner, Surveyor gave a report against the judgment and decree of the civil Court, but according to the Surveyor, there were discrepancies and variation in the boundaries and as such, survey could not be conclusively completed.

10. As rightly pointed out by the learned counsel appearing for the petitioner as well as the contemnor, the petitioner, in pursuance of the direction of this Court, gave a fresh representation on 08.11.2024 and the same was registered as CSR.No.876 of 2024 on 09.11.2024 and in coordination with the Tahsildhar office, survey was conducted on 19.02.2025.

11. The Hon'ble Supreme Court in *Chaturanga Kantharaj and another Vs. P.Ravikumar and others* reported in *2024 Live Law SC 971*, held that the contempt power can be invoked only if it is established that there was wilful disobedience. In the present case, as already pointed out, at the instance of the contemnor, the petitioner approached the office of



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the Tahsildhar and after issuance of notice to the concerned parties, joint inspection and survey was conducted in the presence of the contemnor and his team.

12. Considering the above facts and circumstances, it is evident that there is absolutely no material to infer that the contemnor has disobeyed the order of this Court and as such, the question of willful disobedience does not arise. Since the petitioner has not shown that the contemnor has disobeyed the order of this Court and the same was willful, this Court concludes that the contempt petition is devoid of merit and the same is liable to be dismissed.

13. In the result, this Contempt Petition is dismissed.

23.01.2026

NCC :yes/No
Index :yes/No
Internet:yes/No
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To

- 1.Mr.Somasundaram
Inspector of Police,
Taluk Police Station,
Keezhavasal,
Thanjavur District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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Pre-Delivery Order made in
Cont.P.(MD)No.1581 of 2025
in
W.P.(MD)No.22601 of 2024

Dated : 23.01.2026