

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cont.P.No.1335 of 2015

P.M.Sebastian

.. Petitioner

Vs

1. Mr.George,
Commissioner of Police,
Vepery, Chennai - 600 007.
2. Mr.Mohan Raj,
The Assistant Commissioner of Police,
Koyambedu Range, Chennai.
3. Mr.Sivakumar
The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai - 600 092.

.. Respondents

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act r/w. Article 215 of the Constitution of India, praying to punish the respondents for willfully disobeying the order made in Crl.OP.No.11802 of 2015 dated 09.06.2015 and 16.06.2015 of this Hon'ble Court.

For Petitioner :Mr.V.K.Sathiamurthy
for Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Heard Mr.V.K.Sathiamurthy, the learned counsel
appearing for the petitioner and Mr.C.Emalias, the learned

Additional Public Prosecutor for the respondents.

2.This Contempt Petition has been filed by the petitioner against the respondents herein, for willful disobedience of the orders of this Court dated 09.06.2015 and 16.06.2015 made in CrI.OP.No.11802 of 2015. Thereby, this Court directed the Police to remove P.Senthil Kumar and his group from Shop No.H88, belonging to the petitioner forthwith.

3.The order dated 09.06.2015 passed by this Court in CrI.OP.No.11761 of 2015 and 11802 of 2015 was taken to the Supreme Court, Special Leave to Appeal (CrI.) Nos.5150-5151/2015, which was dismissed on 16.07.2015 as follows :

"Delay condoned.

We do not find any reason to entertain these petitions. The Special Leave Petitions are, accordingly, dismissed."

4.In view of the dismissal of the Special Leave Petitions, now it is imperative for the Police to provide necessary protection to the petitioner from being dispossessed by Senthil Kumar and his group.

5.Mr.S.Sivakumar, presently working as Inspector of Police, High Court Security-II, Chennai, formerly Inspector of Police, K-10, Koyambedu Police Station, Chennai, has filed a counter affidavit in this Contempt Petition, wherein in paragraph No.15, he has stated as follows :

<https://hcservices.ecourts.gov.in/hcservices/> 15. I do not submit that based on the above common orders passed in CrI.OP.No.11082 of 2015 dated 09.06.2015, police

protection was provided to Tr.P.M.Sebastian, and Tr.Senthilkumar was removed and the shop encroached by him was handed over to Tr.P.M.Sebastian, as per the direction of this Hon'ble Court and thus duly complied the order of the Hon'ble High Court, Madras. Hence, there is no violation on the part of the third respondent at any point of time."

6. Mr.V.K.Sathiamurthy, the learned counsel appearing for the petitioner also confirmed that the possession of Shop No.H88 has been handed over to the petitioner from P.Senthil Kumar by the Police, after the order was passed by this Court. However, Mr.V.K.Sathiamurthy, submitted that there are possibilities for Senthil Kumar and his group to once again resort to aggression, if there is any laxity and hence, he submitted that the petitioner is willing to pay necessary charges to the Commissioner of Police, under Police Standing Order No.380 and on such charges being paid, Police may be directed to afford protection for some more time.

7. It is the duty of the Police to implement the order passed by this Court in CrI.OP.No.11082 of 2015, which has also been confirmed by the Hon'ble Supreme Court and they should ensure that the petitioner is not dispossessed by P.Senthil Kumar and his group.

8. Accepting the submissions of Mr.V.K.Sathiamurthy, the learned counsel appearing for the petitioner, this Court directs the Commissioner of Police, Chennai City, to

petitioner's shop No.H88 in Koyambedu market, on payment of necessary charges as prescribed under PSO No.380.

9. Apart from this, if any aggression by P.Senthil Kumar and his group takes place, it is open to the petitioner to immediately lodge a complaint to the Inspector of Police, K-10, Koyambedu Police Station and on such complaint being given, the Police is directed to immediately take suitable action for protecting the property of the petitioner.

10. It is always open to the petitioner to approach this Court, if any violation takes place.

11. With the above direction, this Contempt Petition is closed.

Ds

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the 25th day of September 2014.

COURT OFFICER (O.S.)

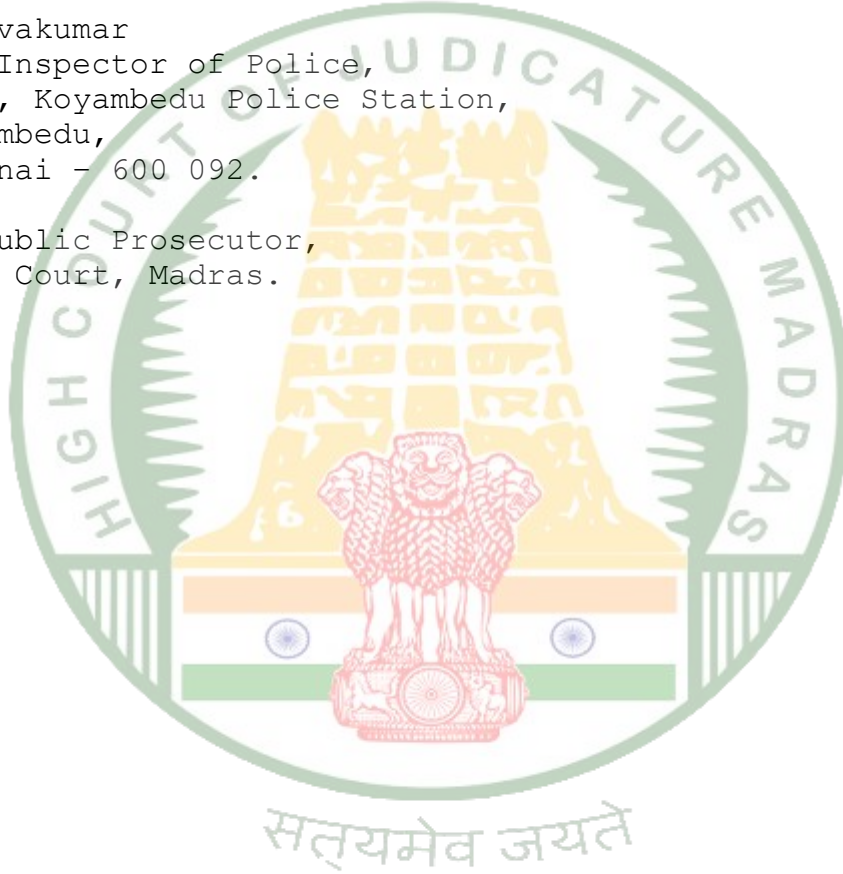
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/20/08/2015

Three Ccs to Mr.C.Rajan, Advocate, SR.10055.

To

- 1.Mr.George,
Commissioner of Police,
Vepery, Chennai - 600 007.
- 2.Mr.Mohan Raj,
The Assistant Commissioner of Police,
Koyambedu Range, Chennai.
- 3.Mr.Sivakumar
The Inspector of Police,
K-10, Koyambedu Police Station,
Koyambedu,
Chennai - 600 092.
- 4.The Public Prosecutor,
High Court, Madras.



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