

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Cont.P.No.482 of 2015

A.K.Balakrishna Pillai (Senior Citizen) ..Petitioner

/vs/

1.Thiru.Ashok Kumar,
The Director General of Police,
Tamil Nadu Police Chief Officer,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.Thiru. S.George,
The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai 600 008.

3.Thiru.Arokiya Raveendram,
Inspector of Police,
K-3, Police Station,
Aminjikarai, Chennai 600 029.

4.Thiru.Chandra Sekar,
The Assistant Commissioner of Police,
Anna Nagar, Chennai 600 040.

..Respondents

Contempt Petition is filed under Section 11 of the Contempt of Court Act to punish the respondents 1 to 4 for committing contempt of Court as they have knowingly and wilfully refused to obey and carry out the order of the High Court passed in Contempt Petition No.457 of 2014 dated 15.07.2014.

For Petitioner .. Mr.R.S.Mohan

For Respondents .. Mr.PP.H.Arvaing Pandian,
Additional Advocate General
Assisted by Mrs.P.Rajalakshmi
Government Advocate

ORDER

Alleging that the order passed by this Court dated 15.07.2014 in Cont.P.No. 457 of 2014 has not been complied with by the respondents, the present contempt petition has been filed by the petitioner.

2. In fact, earlier Cont.P.Nos.456 and 457 of 2014 were filed by the petitioner and the same have been disposed of on 15.07.2014 in the following manner:

"2.Learned Special Government Pleader appearing for the contemnors submitted that insofar as direction No.1 is concerned, Deputy Commissioner, Anna Nagar, Chennai has been appointed as Enquiry Officer and enquiry is proceeded with. Insofar as direction No.2 is concerned, a case has been registered in Crime No.2385 of 2013 under Sections 147,148,448, 323,294(b), 427 and 506(ii) IPC was registered on the file of Aminjikarai Police Station as seen from the counter affidavit filed by the 2nd respondent and some of the accused have been arrested and others got anticipatory bail. Insofar as direction No.3 is concerned, action has been taken by arresting one accused and others got anticipatory bail. Coming to direction No.4, it is submitted that out of 8 shops, 7 shops have been taken possession and other one is vacant and the petitioner can very well take possession of the other vacant shop.

3. In view of the said submission made, this Court does not find any contumacious act on the part of the respondents. Accordingly, the contempt petition is closed. However, it is made clear that it is well open to the petitioner to take possession of the vacant shop. It is made clear that if there is any difficulty in taking possession of the vacant shop by the petitioner, the respondents would give adequate protection."

3. The learned counsel appearing for the petitioner submitted that the offence of trespass has not been included in the First Information Report and the petitioner has not been called for the departmental enquiry.

4. The submission of the counsel appearing for the petitioner cannot be countenanced. So far as the inclusion of offence is concerned, direction was issued by this Court to the respondents only to register First Information Report. In other words, there is no specific direction to register the first information report by including a particular offence. This fact is also taken note of in the earlier order passed by this Court. Similarly, so far as not calling the petitioner for enquiry is concerned, as the complaint itself has been given by his grand-son, he was duly called for in the enquiry and the said complaint was produced before this Court by the learned Additional Advocate General.

5. Thus, the direction issued by this Court has been complied with by the respondents. The petitioner has limited role in the departmental enquiry. This Court does not find any wilful disobedience on the part of the respondents. Accordingly, this petition is closed with

liberty to the petitioner to work out his remedy in the manner known to law and the petitioner has to take appropriate steps to include the section, which has not been included in the First Information Report.

Ari

SD/-
DEPUTY REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

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/08/09/2015

One CC to Mr.R.S.Mohan Advocate, SR. 11177
One CC Govt Pleader SR 11202.

To

1.Thiru.Ashok Kumar,
The Director General of Police,
Tamil Nadu Police Chief Officer,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

2.Thiru. S.George,
The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai 600 008.

3.Thiru.Arokiya Raveendram,
Inspector of Police,
K-3, Police Station,
Aminjikarai, Chennai 600 029.

4.Thiru.Chandra Sekar,
The Assistant Commissioner of Police,
Anna Nagar, Chennai 600 040.