

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2015

Coram :

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

Contempt Petition No. 2524 of 2014

V. Geetha

.. Petitioner

Versus

Mr. Suguvanam
Inspector of Police
Thingalur Police Station
Erode District

.. Respondent

Contempt Petition filed under Section 10 and 11 of The Contempt of Courts Act praying to punish the respondent for the wilful and deliberate non-compliance of the order dated 08.04.2014 made in WP No. 32901 of 2013.

For Petitioner : Mrs. G. Thilagavathi
For Respondents : Mr. T.N. Rajagopalan
Special Government Pleader

ORDER

The petitioner has filed this contempt petition praying to punish the respondent for non-compliance of the order dated 08.04.2014 passed by this Court in WP No. 32901 of 2013.

2. The respondent herein was arrayed as 7th respondent in WP No. 32901 of 2013 filed by the petitioner. The writ petition was filed by the petitioner praying for a Writ of Mandamus forbearing the respondents 1 to 5 from causing interference to the functioning of the Petitioner as the Madathipathi at "Appachimar Madam" by directing the seventh respondent to provide necessary protection under the representation dated 12.11.2013.

3. When the writ petition was taken up for hearing, it was brought to the notice of this Court that already Civil Suits in O.S. Nos. 90 and 390 of 2012 and O.S. No. 40 of 2013 are pending before the Civil Court. In the said Civil Cases, the dispute between the parties is as to who is entitled to control the management of "Appachi Madam" which was also the subject matter of the writ petition. Therefore, by the order dated 08.04.2014, this Court, without going into the merits of the case, only directed the 7th respondent herein to dispose of the representation dated 12.11.2013 of the petitioner within a period of eight weeks after hearing the petitioner and the respondents 1 to 5 to putforth their clear stand before the 7th respondent. Pursuant to the order dated 08.04.2014 passed by this Court, the seventh respondent conducted an enquiry on 23.06.2014, however, no final order has been passed till date. According to the petitioner, by not passing an order after conducting an enquiry on 23.06.2014, the respondent herein has violated the directions issued by this Court on 08.04.2014 to give police protection to the petitioner. The respondent is therefore guilty of contempt of the directions issued by this Court in the order dated 08.04.2014.

4. On the other hand, the learned Special Government Pleader would submit that in the order dated 08.04.2014, this Court has not issued any direction to the respondent to give police protection to the petitioner, which is clear from Para No.3 of the order. According to the learned Special Government Pleader for the respondent, in view of the pendency of Civil suits between the parties, this Court refused to deal with the issues involved in the writ petition and directed the parties to work out their remedy before the Civil Forum. At the same time, the respondent was directed to dispose of the representation dated 12.11.2013 of the petitioner and to pass orders thereon after giving opportunity to the petitioner and the respondents 1 to 5. Accordingly, the respondent has conducted an enquiry but even before an order is passed, the petitioner has filed the

present contempt petition. In any event, this Court has not directed the respondent to give police protection to the petitioner and therefore such averments raised by the counsel for the petitioner is untenable.

5. I heard the counsel for both sides. It is seen from the records that pursuant to the directions issued by this Court in the order dated 08.04.2014 in WP No. 32901 of 2013, the respondent issued notice of hearing to the petitioner and the respondents 1 to 5 and an enquiry was also conducted on 23.06.2014, however, till date, final order has not been passed. Therefore, as and when the respondent passes an order on the representation dated 12.11.2013 of the petitioner, as directed by this Court, pursuant to the enquiry already conducted on 22.06.2014, it is always open to the petitioner to get his grievance redressed in a manner known to law. When the respondent is yet to pass final orders based on the enquiry already conducted by him, the present contempt petition cannot be entertained. I also do not find any disobedience on the part of the respondent in complying with the directions issued by this Court. The contempt petition is therefore closed. No costs.

16-02-2015

rsh

S. VAIDYANATHAN, J

rsh

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