

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13/7/2015

C O R A M

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

Contempt Petition No.2934 of 2014

A.Akthar Hussain ... Petitioner

Vs

M. Radhakrishnan  
The Authorised Officer  
Indian Bank  
Porur Branch  
Chennai. ... Respondent

Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for wilful disobedience of the order dated 11/4/2014 passed in W.P.No.22106 of 2013.

For petitioner ... Mr.Manoj Sreevalsan

For respondent ... Mr.Rajendran Raghavan  
Mr.P.S.Sivashanmugasundaram  
Special Government Pleader  
for the Tahsildar, Sriperumbudur.

- - - - -

**WEB COPY**  
**ORDER**

(Order of the Court was made by **SATISH K. AGNIHOTRI, J.**)

By this petition, the petitioner has brought the grievance, on the ground that this Court, by an order dated 11<sup>th</sup> April, 2014, in W.P.No.22106 of 2013, directed the Bank to approach the Superintendent of Police, Thiruvallur District with a request to provide police protection to them to handover the property in

question to the petitioner/auction purchaser and on such being made, the Superintendent of Police shall arrange to provide necessary and adequate Police protection to the officials of the respondent Bank and the petitioner/auction purchaser immediately for handing over and taking over the vacant possession of the property comprised in patta No.3640, Survey No.50 at Kattupakkam Village and bearing Door No.1/855, New Door No.1/59, Sri Amman Nagar (previously Taluk, Kancheepuram District), now Poonamallee Taluk, Thiruvallur District 600 116, within a period of one week. Further, it was made clear that the borrower had lost his right over the subject property and his action is wholly unjustifiable and illegal.

2. Pursuant to the notice, the alleged contemnor has filed an affidavit, dated 30<sup>th</sup> June, 2015, stating as under:-

"It is further more humbly submitted that the petitioner/auction purchaser has no grounds or merits and this Contempt Petition is a pseudo attempt of the petitioner for reasons best of him. It is also further most humbly submitted that when the auction has been completed in the year 2012 and the sale certificate was issued in the year 2012 and also further to the orders of the High Court and physical possession was handed over in the year 2014 again the present contempt petition seems to be motivated by other reasons of the petitioner and this contempt petition be pleased to be dismissed and this respondent may be allowed to continue his duties in peace."

3. The learned counsel appearing for the petitioner submits that the property handed over is not the one which was the subject

matter. The respondent had attempted to handover some other property which is not S.No.50 at Kattupakkam Village and the property in question.

4. Having regard to the facts and also in view of the conflicting statements made by the parties, we direct the Tahsildar, AdiDravida, Sriperumbudur, to verify the facts, on the basis of revenue documents and also other relevant documents. After issuing notice to the petitioner as well as to the respondent, the Tahsildar is directed to handover possession of the property in question, with the help of the Police to the petitioner, within a period of two weeks from today.

5. With the afore-stated direction, this Contempt Petition is closed.

mvs.

SD/  
DEPUTY REGISTRAR (CLAA)

//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/22/07/2015

One CC to Mr.Manoj Sreevalson, Advocate, SR.8884

One CC to Mr.Rajendra Raghavan, Advocate, SR.8877

**To**

1. The Revenue Divisional officer  
Tiruvannamalai  
Tiruvannamalai District.

2. The Tahsildar, AdiDravida, Sriperumbudur