

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.06.2015

Coram :

The Honourable **Mr. Justice V. RAMASUBRAMANIAN**

Contempt Petition No.3218 of 2014

1. T.A.Ramesh
2. T.A.Vijayakumar ...Petitioners

Vs

1. Tmt.E.Sundaravalli
The District Collector,
Chennai District,
Chennai-600 001.
2. Mr.Kajha Saghul Ameer
The Tahsildar/Executive Magistrate
Perambur Taluk,
Chennai - 600 011.
3. Mr.Ukkira Pandian
The Inspector of Police,
Sembium Police Station,
Sembium, Chennai - 600 001.
4. Tmt.Thirupurasundari
5. Mr.Arulappan ...Respondents

Contempt Petition filed under Section 11 of Contempt of Court Act, 1971, seeking to punish the respondents for their willful disobedience of the order made in M.P.No.1 of 2014 in W.P.No.30355 of 2014 dated 20.11.2014.

For Petitioners : Mr.Sureshkumar
for M/s.K.M.Vijayan Associates
For R1 to R3 : Mr.I.Arokiasamy, Govt.Adv.
For R4 and R5 : Mrs.Selvi George

O R D E R

This contempt petition arises out of an order of

<https://hcservices.ecourts.gov.in/hcservices/> passed by me while admitting a writ petition.

2. I have heard Mr.Sureshkumar, learned counsel for

the petitioner, Mr.I.Arokiasamy, learned Government Advocate for the respondents 1 to 3 and Mrs.Selvi George, learned counsel for the respondents 4 and 5.

3. At the outset, it should be pointed out that the 5th respondent is dead.

4. The writ petition challenged an order passed by the Revenue Divisional Officer on 7.11.2014. By the said order, the Revenue Divisional Officer issued a direction to the following effect:-

- (a) that the question whether the respondents 4 and 5 herein are the owners of the property could not be decided in a proceedings under Section 145 of the Code of Criminal Procedure, but has to be decided by a Civil Court and
- (b) that till a decision is taken, the petitioners herein should not try to evict the respondents 4 and 5.

5. It was the aforesaid order dated 7.11.2014 that was stayed by me by an interim order dated 20.11.2014. Therefore, the petitioners are obliged to demonstrate as to how the stay order was vacated.

6. But the grievance of the petitioners is that the respondents 4 and 5 forcibly removed the articles belonging to the petitioners and put their own articles in the premises and that the police have now sealed the premises.

7. Even if what the petitioners say is true, I do not see how a contempt is made out. It is stated by I.Arokiasamy, learned Government Advocate that the premises

is under lock and key. The person to whom the key should be handed over, has to be decided only in the petition for stay or in a petition for vacation of stay or in the main writ petition. Therefore, the contempt petition is closed leaving it open to both the parties to agitate all issues before the writ court, including the handing over of keys.

gr.

SD/
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/07/07/2015

One CC to Government Pleader, SR.7620

One CC to M/s.K.M.Vijayan Associates, Advocate, SR.7530

One CC to M/s.Majestic Law Firm, Advocate, SR.8109

To

1. The District Collector,
Chennai District,
Chennai-600 001.
2. The Tahsildar/Executive Magistrate
Perambur Taluk,
Chennai - 600 011.
3. The Inspector of Police,
Sembium Police Station,
Sembium, Chennai - 600 001.