

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2016

C O R A M :

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

Contempt Petition No.1946 of 2015

S.Jayalakshmi .. Petitioner

vs.

Arjunan Ravikumar,
No.2, Flat No.3, 3rd Main Road,
Seethammal Colony, Alwarpet,
Chennai-18. .. Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, to punish the respondent for his willful disobedience and non-compliance of the order of this Court made in CrI.O.P.No.19711 of 2015, dated 19.8.2015.

For petitioner : Mr.C.Prakasam

For respondent : Ms.Sunita Kumari

O R D E R

This Contempt Petition has been filed praying to punish the respondent for his willful disobedience and non-compliance of the order of this Court made in CrI.O.P.No.19711 of 2015, dated 19.8.2015.

2. Based on the complaint lodged by the petitioner herein, a case in Crime No.2343 of 2015 has been registered against the respondent herein for the offences punishable under Sections 341, 294(b), 323 and 506(i) IPC read with Section 4 of Women Harassment Act.

3. By order, dated 19.8.2015, this Court granted anticipatory bail to the respondent in view of his undertaking that he would not interfere with the metro water connection provided to the petitioner's flat by the Metro Water Board. However, the petitioner has come forward with the present contempt petition, alleging that the respondent has failed to abide by the undertaking given by him and he was drawing water from the metro water pipe connection of the petitioner by cutting down her connection.

4. By order, dated 25.2.2016, this Court appointed an Advocate Commissioner, to verify as to whether there was any interference by any of the residents with regard to the water connection to the petitioner and/or the petitioner was causing trouble to other residents with regard to supply of water, etc., thereby, preventing access to water/common area by other residents.

5. Pursuant to the above, the learned Advocate Commissioner, after making inspection of the premises, has filed her report along with photographs, wherein, she has stated that the first sump, which the petitioner claimed to be meant for her exclusive use, was covered with lot of stones and the second sump, which claimed to be meant for respondent's use, was kept opened and since she was unable to find out whether there exists any water line obstruction or hindrance between the water lines of the petitioner and

the respondent, the Advocate Commissioner requested the respondent to dig the area adjacent to the respondent's sump to find out whether the free flow of the water was diverted, for which, both the parties have not agreed to dig the area without prior permission from Chennai Metro Water Supply and Sewerage Board. It is further stated by the learned Advocate Commissioner that she was not allowed by the petitioner to have access to the place where tank was situated and the sump was closed and the petitioner was causing trouble by refusing entry to the terrace, which she always keeps it locked. In such circumstances, the learned Advocate Commissioner has reported that she could not execute the warrant effectively.

6. In view of the report of the learned Advocate Commissioner, this Court is of the view that the dispute between the parties appears to be civil in nature and the same can be resolved in appropriate civil proceedings. This Court cannot venture upon the issue involved in this contempt petition and direct the parties to dig the sump in a particular manner at a particular place without prior permission from Metro Water Board in order to ascertain whether the respondent was drawing the water to his sump by disconnecting the water connection of the petitioner, etc. In fact, this is beyond the scope of the contempt petition.

Therefore, I do not find any merit to entertain the petition.

Accordingly, this Contempt Petition is closed. It is needless to mention that the parties are always at liberty to workout their remedies in the manner known to law.

Suk

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

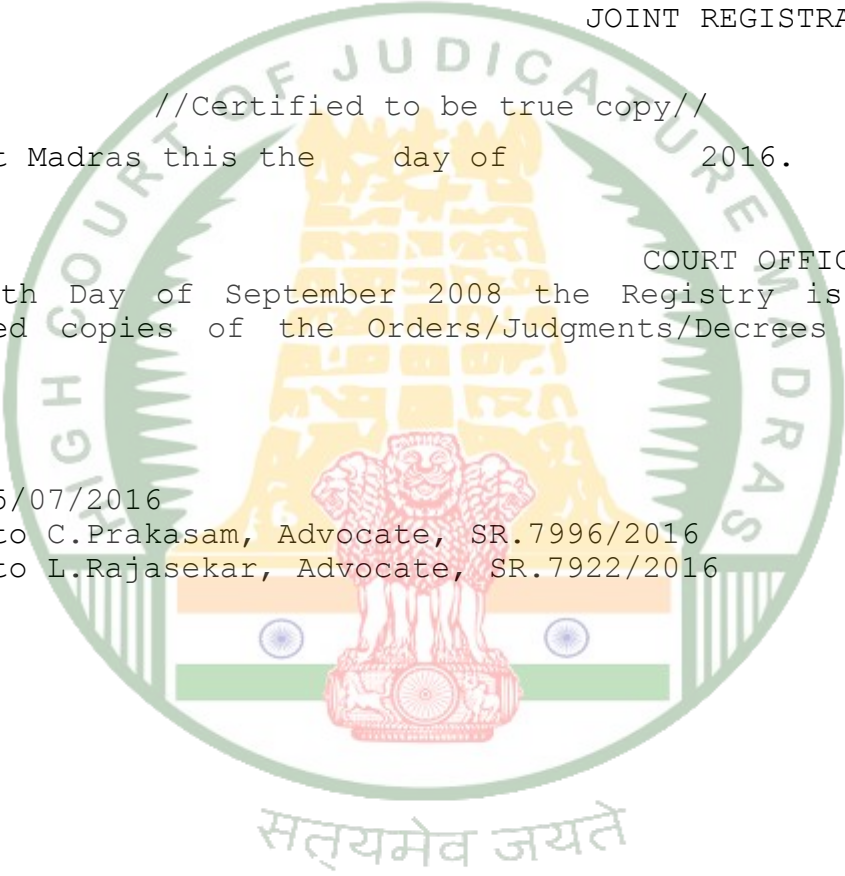
COURT OFFICER(O.S.)
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To

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One CC to C.Prakasam, Advocate, SR.7996/2016

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