

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 21.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Cont.P.No.2490 of 2015

D.Selvam ... Petitioner

-vs-

1.Mathiazhyagan,
Inspector of Police (Law & Order),
T14, Mangadu Police Station,
Mangadu, Chennai.

2.Anandakumar,
Sub-Inspector of Police (Law & Order),
T14, Mangadu Police Station,
Mangadu, Chennai.

... Respondents

Prayer: Contempt Petition filed under Sections 10 & 12 of the Contempt of Courts Act, 1971 to punish the respondents for disobeying the order and direction given by the Sub-ordinate Court in I.A.No.1783 of 2014 in I.A.No.536 of 2014 in O.S.No.175 of 2014 on the file of the District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District dated 23.06.2015.

For Petitioner : Mr.B.Dayalan
For Respondents: Mr.P.Govindarajan
Additional Public Prosecutor

O R D E R

[Order of the Court was delivered by **S.NAGAMUTHU, J.**]

The petitioner has come up with this petition
<https://hcservices.ecourts.gov.in/hcservices/>
alleging that the respondents have not complying with the

order in I.A.No.1783 of 2014 in I.A.No.536 of 2014 in O.S.No.175 of 2014 dated 23.06.2015 on the file of the District Munsif-cum-Judicial Magistrate, Sriperumbudur, Kancheepuram District.

2.We have gone through the records.

3.It is seen from the records that the above suit has been filed by the petitioner for permanent injunction alleging that he is in occupation of the building under the second defendant. Admittedly, the second defendant is the owner of the property. From the averments made in the plaint, it could be seen that the first defendant was originally a tenant of the building. It is alleged by the petitioner that the first defendant vacated the building and thereafter, he entered into an agreement with the second defendant. The injunction order granted in this case was an ad-interim ex-parte and the order for protection of police was also made even before the notice could be served on the first defendant.

4.In those circumstances, we cannot allow the petitioner to take possession of the property, if the possession is in the first defendant. At any rate, we find

that there is no contempt and hence, the petition is dismissed.

Sd/-

JOINT REGISTRAR (OS)

//Certified to be true copy//

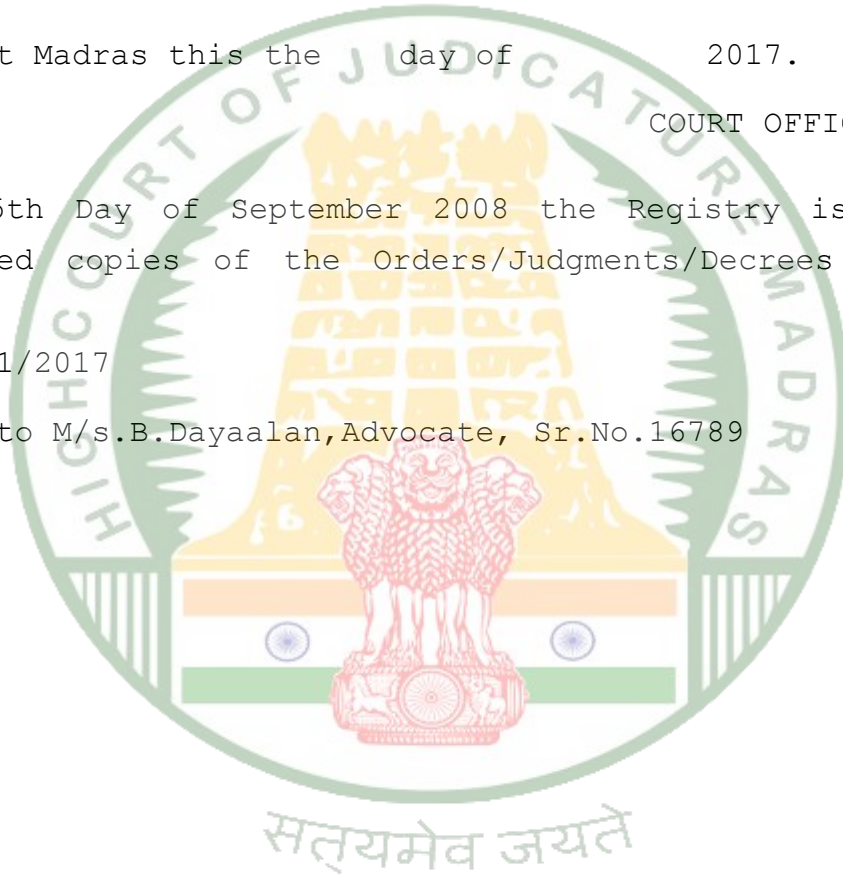
Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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CO/12/01/2017

One CC to M/s.B.Dayaalan, Advocate, Sr.No.16789



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