

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date:- 08.02.2016

Coram

The Honourable Mr.Justice **R.SUBBIAH**

Contempt Petition No.240 of 2016

K.Karthikeyan

... Petitioner

..vs..

Mr.Kavi Kumar
Assistant Commissioner of Police
Pallavaram Range
Pallavaram
Chennai.

... Respondent

The Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 70/71, to initiate contempt proceedings against the respondent for having disobeyed the order passed by this Court in W.P.No.24042 of 2015 dated 20.11.2015.

For Petitioner

: Mr.D.Rajagopal

For Respondent

: Mr.S.Pattabiraman
Government Advocate

ORDER

The petitioner herein filed a Writ Petition for mandamus directing the respondents therein to give police protection to the petitioner for his life.

2. This Court by order dated 20.11.2015 directed the petitioner herein to give a fresh representation to the fourth respondent in the Writ Petition with regard to providing of police protection to him within a period of one week from the date of receipt of copy of the order in Writ Petition and on receipt of such representation, the fourth respondent in the Writ Petition/respondent herein was directed to consider the same on merits and pass appropriate orders, in accordance with law, preferably within a period of two weeks thereafter. In spite of the same, since the fourth respondent has not considered the representation of the petitioner, the petitioner filed the Contempt Petition.

3. In the Contempt Petition, the respondent has filed a detailed counter stating that the respondent received the copy of the order dated 20.11.2015 sent by the petitioner on 07.12.2015 by registered post only on 09.12.2015 and immediately on 09.12.2015, he forwarded the same to the Inspector of Police, Sankar Nagar Police Station for report. On 11.12.2015, the Inspector of Police, Sankar Nagar Police Station sent a communication stating that the petitioner is a resident of Chrompet and the police protection was provided only by S-13 Chrompet Police Station and returned the papers for sending the same

to Chrompet Police Station and thereafter, under the instructions of the Assistant Commissioner of Police, Tambaram Range, the respondent obtained the report from S-13, Chrompet Police Station and sent a detailed order rejecting the request of the petitioner, since there was no threat for the individual and his request for police protection was not genuine. In fact, the police protection earlier provided by the Deputy Commissioner of Police was misused by the petitioner. On 23.12.2015, the petitioner caused a contempt notice and the same was received by the respondent on 26.12.2015. Immediately on 28.12.2015, the respondent sent a reply stating that he is not the jurisdictional officer and directed the petitioner to approach the jurisdictional officer by sending representation. But without doing so, the contempt petition is filed. The petitioner knowing fully well that he was provided with the police protection by S-13 Chrompet Police Station, which is under the Assistant Commissioner, Tambaram Range, has filed the Writ Petition wrongly impleading the respondent herein as fourth respondent. Thus, the respondent herein sought for dismissal of the Contempt Petition.

4. From the perusal of the records, particularly the counter affidavit, it is seen that the petitioner is residing in Chrompet, within the jurisdiction of S-13

Police Station, Chrompet, which is under the control of Assistant Commissioner of Police, Tambaram Range. Furthermore, earlier the police protection was provided only by S-13 Police Station, Chrompet and not by the respondent. In view of the counter affidavit filed by the respondent, I do not find any wilful disobedience of the orders of this Court by the respondent. Hence, the Contempt Petition is closed. However, the petitioner is at liberty to approach the concerned jurisdictional police officer, seeking police protection.

mra

SD/-
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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SS/CO/27/02/2016

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