

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

Contempt Petition No.678 of 2016

A. Lakshmanan

Petitioner

vs.

1 Mr. Panneerselvam
Revenue Divisional Officer
Chengalpet, Kancheepuram District

2 Ms. Dhanalakshmi
Tahsildar
Chengalpet Taluk, Kancheepuram District Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for filing false affidavit before the Court in Contempt Petition No.150 of 2015, which was closed by this Court on 14.10.2015.

For petitioner Mr. M. Kalyanasundaram,
Senior Counsel
for Mr. R. Vasudevan

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

This contempt petition is filed seeking to punish the respondents for filing false affidavit before the Court in Contempt Petition No.150 of 2015, which was closed by this Court on 14 October 2015.

Agnihotri, J.) was a Member, disposed of W.P.No.11337 of 2014, preferred by the instant petitioner, directing respondents 2 and 3 therein, to remove the encroachment said to have been made by various third parties, within a period of six weeks, after following due process of law and hearing the encroachers.

3 Alleging that the aforesaid order was not complied with by the said respondents, the petitioner preferred a contempt petition being Contempt Petition No.150 of 2015. On 14 October 2015, this very Bench, upon filing of an affidavit by the respondents to the effect that the encroachments in question were removed on 04 March 2015 and upon satisfaction that this Court's order has been complied with, closed the contempt petition.

4 However, according to the petitioner, a false affidavit was filed by the authorities in Cont. Petition No.150 of 2015, taking note of which, the said contempt petition was closed. Hence, this second contempt petition seeking to punish the respondents for filing a false affidavit.

5 We have heard the learned Senior Counsel appearing for the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

6 We are of the considered opinion that in the given facts of the case, this contempt petition is not

maintainable, inasmuch as the petitioner could have filed an application seeking re-opening of the contempt petition which was already closed. In such view of the matter, liberty is reserved to the petitioner to file an appropriate application.

This contempt petition is closed with the above observation.

cad

SD/
ASSISTANT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

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/24/05/2016

One CC to R.Vasudevan, Advocate SR.6003/2016

सत्यमेव जयते

WEB COPY