

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.09.2016

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CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**Cont.P.(MD) No.778 of 2016
in Crl.O.P.(MD) No.22344 of 2013**

M.Paulchamy

... Petitioner/Petitioner

Vs.

1.Mr.Ramakrishnan
The Deputy Superintendent of Police,
Checkanoorani,
Usilampatti Taluk,
Madurai District 625 532.

2.Mr.Rama Narayanan
The Inspector of Police,
Checkanoorani,
Usilampatti Taluk,
Madurai District 625 514.

3.Mrs.Savithiri,
Sub Inspector of Police,
Vikramangalam Police Station,
Usilampatti Taluk,
Madurai District 625 207.

... Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for the wilful disobedience of the order dated 20.12.2013 in Crl.O.P.No.22344 of 2013.

Prayer in CRL OP(MD). 22344/ 2013 :

To direct the respondents to provide police protection to the petitioner to cut and remove the felled and standing trees in the lands of the petitioner i.e., S.No.6/5, S.No.40/2, and S.No.23/6 in Chakkarapanayakanur Village, Usilampatti Taluk, Madurai District.

For Petitioner : Ms.A.Hafiza

For Respondent : Mr.K.Anbarasan

O R D E R

This petition is filed to punish the respondents for contempt committed by them violating the order passed in Crl.O.P. (MD) No.22344 of 2013.

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2. Ms.Hafiza, learned counsel for the petitioner would submit that the petitioner is owner of the property in Survey Nos.6/5, 40/2 and 23/6 and he has been in possession and enjoyment of the property. A suit filed by the petitioner in O.S.No.66 of 2004 was decreed by the District Munsif, Usilampatti and the judgement and decree was confirmed by the learned III Additional District and Session Judge, Madurai in A.S.No.192 of 2010. The defendants have preferred the Second Appeal and the same is pending in S.A.No.662 of 2012.

3. The petitioner filed a Criminal Original Petition before this Court seeking police protection to erect a bore well in his land, which was ordered on 20.12.2013 and the respondents have not given police protection as per the order and therefore, they are liable to be punished.

4. Per contra, the learned Government Advocate(Crl.side) would submit that admittedly, Second Appeal is still pending and this Court has directed the respondent to give protection to his life and limb, which cannot be extended to give protection for enjoyment of the property.

5. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.side) appearing for the respondents and perused the materials available on record.

6. If there is any violation of the civil court decree, the petitioner has to file an execution petition and as per the order of this Court, the respondents have not committed any contempt of court and the respondents are discharged. Accordingly, this petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

CM

To

1.Mr.Ramakrishnan,

<https://hcservices.ecourt.gov.in/hcservices/>
The Deputy Superintendent of Police, Checkanoorani,
Usilampatti Taluk, Madurai District 625 532.



2.Mr.Rama Narayanan,The Inspector of Police,Checkanoorani,
Usilampatti Taluk,Madurai District 625 514.

3.Mrs.Savithiri,Sub Inspector of Police,
Vikramangalam Police Station,
Usilampatti Taluk,Madurai District 625 207.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.Hafize, Advocate SR.No.55325

GJM/SK/SKN/13.10.16-3p-6c

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