

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Cont.P.No.1046 of 2016
and
Sub Application(OS) No.693 of 2016

V.Ganesan .. Petitioner /1st Respondent

Vs.

1. Lingamoorthy,
S/o.Sundaram,
No.33, Rajani Street,
Lakshmipuram,
Chennai-110.

2. Vibhushanam
S/o. Kaveri, No,.5, Ramadoss Street,
Lakshmipuram,
Chennai-99.

3. S.Ranganathan
S/o.Sriraman, 6, Suganya Street,
Surya Nagar,
Kalpalayam,
Chennai-99.

4. P.Chitra,
W/o.Late, Parangusab, 48, Periyar Salai,
Ponnammanmedu, Chennai-110.

.. Respondents/Appellants 1st, 3rd, 4th, 5th

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondents for wilfully and deliberately disobeying the orders of this Court dated 27.2.2015 made in S.A.No.1082 of 2012.

For Petitioner : Mr. S.Vijayakumar
For Respondents : Mr. Lakshminarayanan
for Mr.M.Subhadra

O R D E R

According to the learned counsel for the petitioner, the petitioner has filed the contempt petition to punish the respondent for willfully and deliberately disobeyed the orders of this Court dated 27.2.2015 made in S.A.No.1082.

2. According to the petitioner, after passing the judgment and decree in S.A.Nos.1082 and 1083 of 2012 dated 27.02.2015, the Police has filed a report, by stating that the petitioner is not in possession of the suit property, by way of complying with the direction of this Court, in the contempt petition, on 08.03.2016, the said petitioner came to know that the board was exhibited by the counsel by stating that the respondent namely Lingamoorthy and others filed S.L.P.Nos.17883 and 17884 of 2015 against the judgment and decree passed by this Court in S.A.Nos.1082 and 1083 of 2012, before the Hon'ble Supreme Court and further, it is displayed in the board, nobody deemed to trespass in the suit property, otherwise they will be prosecuted by the police. Hence, the petitioner has filed the contempt petition before this Court under Section 11 of

[https://hcservices.ecourts.gov.in/hcservices/Contempt of Court.](https://hcservices.ecourts.gov.in/hcservices/Contempt%20of%20Court)

3. While, the said contempt petition is pending, the respondent herein has filed an appeal before the Hon'ble Supreme Court in S.L.P.Nos.17883 and 17884 of 2015 and the same was dismissed by the Hon'ble Supreme Court. Thereafter, the contempt petition came before this Court, by an order dated 01.09.2017, this court has recorded the submission of the learned Government Pleader that the Assistant Commissioner of Police will give police protection and also maintain the status quo already ordered by this Court. Again this matter has come before this Court and clarified that the petitioner V.Ganesan is in possession of the property and status quo is continued.

4. The learned counsel for the petitioner would submit that after disposal of the Special Leave Petition, before the Hon'ble Supreme Court, the aforesaid board has been removed by the respondent and also submitted that the petitioner namely V.Ganesan is in possession of the said property and as per the undertaking given before this Court, the Assistant Commissioner of Police also assured to provide police protection.

5. In the light of the aforesaid fact, the learned counsel appearing for the respondents would submit that the order passed by this Court on 01.09.2017 and 08.09.2017,

may be confirmed and the contempt petition has to be closed.

6. In the light of the above said submission made by the learned counsel for the respondents, there is no further adjudication is required in the present contempt petition and liberty is granted to petitioner to approach the Assistant Commissioner of Police, Villivakkam, for seeking necessary police protection, if so warrant, as per the law. In view of the above, contempt petition is closed. Consequently, connected sub application (OS) No.693 of 2016 is closed.

ssn

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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KR/CO/27/11/2017

To
The Assistant Commissioner of Police,
Villivakkam.

one cc to Mr. S.Vijayakumar, Sr.No.12702

one cc to M/s.M.Subhadra, Sr.No.12887