

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

Cont. Petition No.410 of 2017

M.S. Rajasekar

Petitioner

vs.

1 Mrs. J. Mutharasi  
Superintendent of Police  
Thaiyarkullam  
Kancheepuram District  
Kancheepuram 631 501

2 Mr. Ramesh  
Inspector of Police  
Manampathi Police Station  
Manampathi 603 403  
Chengalpet Taluk

Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondents for wilful disobedience of the order dated 21.10.2016 passed by this Court in CrI.O.P. No.23351 of 2016.

For petitioner  
For respondents

Mr. N. Anand Venkatesh  
Mr. C. Emalias  
Additional Public Prosecutor

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**ORDER**

On 21.10.2016, this Court passed the following order in Crl.O.P. No.23351 of 2016:

"2 Heard both sides.

3 It is seen that the petitioner has filed a suit in O.S. No.400 of 2009 before the District Munsif Court, Chengalpet, seeking the relief of permanent injunction and has obtained a decree on 30.11.2009 against one Murugan who is said to be preventing him from doing agricultural activities. In this regard, the petitioner has given a complaint, based on which, a petition enquiry is being conducted in CSR NO.52 of 2016 by the respondent police.

4 In view of the above, the respondent police is directed to complete the enquiry in CSR No.52 of 2016 by calling both parties and give necessary police protection to the petitioner, if warranted.

With the above direction, this Criminal Original Petition is closed."

2 Alleging that the respondent police have not complied with the aforesaid order, the petitioner has filed the present contempt petition.

3 On notice, Mr. G. Ramesh, Inspector of Police, Manampathi Police Station is present and he has filed an affidavit, wherein, he has stated as follows:

"The enquiry revealed that the said Anbu, Santhinampattu Murugesan @ Murugan and his henchmen trespassed into the land of the petitioner and threatened them by stating that they are using a portion of the petitioner's property as pathway to go to temple for the past 20 to 25 years. Now, the same was protected by the petitioner and their family members, by stating that the said 4 feet land belongs to them, so that they have not permitted to use the same by the village people. While so, the above said village persons threatening them to give permission to

use the said pathway.

After lodged complaint before the 2<sup>nd</sup> respondent police, both the petitioners and the counter petitioners did not cooperate for enquiry for about 2 to 3 months. Even, the petitioner did not cooperate with enquiry filed this contempt petitions before this Hon'ble Court.

It is submitted that, on 01.08.2017, I called both parties and made enquiry with them. Both of them appeared before me for enquiry. The enquiry revealed that the said Anbu, Santhinampattu Murugesan @ Murugan and his henchmen, made alternative arrangements to go to temple by way of construct new path way, without using the petitioner's land in future, to that effect they gave a written statement to me.

8. It is submitted that, based on the written statement given by the counter petitioners on 01.08.2017, I closed CSR No.52 and 57/2016 on 03.08.2017 and sent a detailed report to the higher officials on the same day."

4 Thus, on a reading of the above extracted portion of the affidavit filed by the Inspector of Police, Manampathi Police Station, it is apparent that the opposite parties are trying to use the petitioner's land as pathway for going to the temple which cannot be permitted. However, it is also seen that the opposite parties have given an undertaking that they will use a different route to reach the temple.

5 In view of the above, the respondent police are directed to ensure that the property of the petitioner is safeguarded and is not trespassed and police patta picket be put at the place at least for a month's time, so that the petitioner can fence the property.

**P.N. PRAKASH, J.**

cad

With the above directions, this contempt petition is closed.

cad



**21.08.2017**

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