

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM:

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

Contempt Petition No.65 of 2017

Anand Kumar Jhavar

Petitioner

vs.

Mr. P. Saravanan
Deputy Commissioner of Police
R-1, Mambalam Police Station
Chennai 600 017

Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, seeking to punish the respondent for contempt of Court by wilful disobedience of the order dated 09.12.2016 passed by this Court in CrI.O.P. No.18424 of 2016.

For petitioner: Mr. Raja Manickam
For respondent : Mr. C. Emalias
Additional Public
Prosecutor

ORDER

This contempt petition has been filed alleging non compliance of the order dated 09.12.2016 passed by this Court in CrI.O.P. No.18424 of 2016.

2 On 07.02.2017, this Court passed the following order:

<https://hcservices.ecourts.gov.in/hcservices/> Today, when the matter was taken up for hearing, Mr.K.Krishnamoorthy, Inspector of Police and Ms.D.Jebachitra, Sub Inspector of Police, R1

Mambalam Police Station, T.Nagar, Chennai 17 are present.

2. In this case, the petitioner was running a Garments Store in the Basement of Door No.73, Ranganathan Street and he was illegally dispossessed by Mrs. Shanthi Meenakshi [landlady and M.D. of Sri Meenakshi Enterprises (P) Ltd.] along with one V.S. Jayarajan and K.M. Suresh. During the pendency of Crl.O.P. No.18424 of 2016, it was represented by Mrs. Shanthi Meenakshi that after taking over possession, the premises had been let out to one Pandian Stores, who is running a shop in the ground floor of the building.

3. This Court, by a detailed order dated 09.12.2016 passed in Crl.O.P.No.18424 of 2016, directed the Deputy Commissioner of Police and Inspector of Police, R1 Mambalam Police Station, T.Nagar, Chennai to ensure that the vacant possession of the basement portion of the property in which the petitioner was running the shop, be handed over to the petitioner.

4. Aggrieved by the order of this Court dated 09.12.2016 passed in Crl.O.P.No.18424 of 2016, the owner of Pandian Stores, C.Manikarajan approached the Hon'ble Supreme Court and filed Special Leave Petition and the same was dismissed by the Hon'ble Supreme Court on 10.01.2017, by passing the following order:

"Heard the learned Senior Counsel appearing for the petitioner. We find no reason to interfere with the impugned order passed by the High Court of Madras. Hence, permission to file the Special Leave Petition is rejected".

5. Since the police did not implement the order dated 09.12.2016, the petitioner filed the present contempt petition.

6. During the pendency of this contempt petition, the police submitted that they would obtain legal opinion and would take steps to implement the order of this Court dated 09.12.2016 and handover the possession of the property to the petitioner.

7. Today, when the matter was taken up for hearing, it is brought to the notice of this Court that C.Manickarajan, owner of Pandian Stores, has cleverly built a Wall and shutters at the entrance in the ground floor so as to restrict the free ingress and egress to the petitioner's portion in the basement floor.

8. Mr.Krishnamoorthy, Inspector of Police submitted that the police had vacated the basement floor portion and handed over the same to the petitioner on 03.02.2017 and at that time, this shutter was not there and only thereafter, overnight, C.Manickarajan, owner of Pandian Stores, appears to have built the shutter in the ground floor in collusion with Mrs. Shanthi Meenakshi.

9. In the considered opinion of this Court, the act of Manickaraj, owner of Pandian Stores, would amount to contempt of Court, because, this Court had clearly directed the police to restore the possession to the petitioner, as it was, when he was illegally evicted. The act of C.Manickarajan, owner of Pandian Stores, putting shutter in the ground floor, after having lost before the Hon'ble Supreme Court, has to be viewed very seriously. The photographs taken today and produced by the police also shows that shutters have been built hurriedly. This amounts to operation success but patient collapse. This Court will not countenance the same.

10. In view of the same, the police is directed to remove the shutters and other impediments and ensure that the petitioner has free ingress and egress to the basement portion and report to this Court on 13.02.2017.

Post the matter on 13.02.2017."

3 Today, when the matter was taken up for hearing,

Mr.K.Krishnamoorthi, Inspector of Police, R1 Mambalam

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

Police Station, Chennai, is present and he has filed a

status report dated 16.02.2017 before this Court, wherein, at paragraph no. 10, it has been stated as follows:

"10. I submit that now, the shutters and other impediments are also removed from the existing place, i.e., in the petitioner's premises, as directed by this Hon'ble High Court, Madras. Thus, complied the direction of this Hon'ble High Court, Madras, scrupulously. Hence, contempt petition filed by the petitioner is not at all maintainable."

4 Anand Kumar Jhawar, the petitioner herein, has also filed an affidavit dated 17.02.2017, wherein, at paragraph nos.4 and 5, it has been stated as under:

"4. I further submit that Mr. C. Manickarajan has agreed to remove the name board of his shop and to provide space for putting our name board and to fix the glass panels above the staircase and for the said purposes, he needs some more time."

5. I further submit that the contempt petition filed by me against the respondent herein may kindly be disposed off with an observation and direction to C. Manickarajan to remove or lift his name board enabling me to erect my name board in my shop and to fix the glass panels above the staircase within a week and thus render justice."

In view of the fact that the police have substantially complied with the order dated 09.12.2016 passed by this Court in CrI.O.P.No.18424 of 2016, nothing further survives in this contempt petition and the same is accordingly closed with a direction to the police to ensure that

C.Manickarajan removes his name board and status quo ante is restored.

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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CO/20/02/2017

To

Deputy Commissioner of Police
R-1, Mambalam Police Station
Chennai 600 017

One CC to M/s.V.A.Thirunavukkarasu, Advocate, Sr.No.2596/16
Two CC to M/s.Raja Manickam, Advocate, Sr.No.2602/16

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