



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

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

Contempt Petition (MD) No.1541 of 2016

in W.P.(MD) No.19532 of 2016

Tamilarasan

... Petitioner/Petitioner

-vs-

Mr.Thangapandian,
The Inspector of Police,
Meemisal Police Station,
Aavudayarkoil Taluk,
Pudukkottai District.

... Contemnor/Respondent

Prayer: This contempt petition is filed under Section 11 of the Contempt of the Courts Act, 1971 praying to initiate contempt proceedings against the contemnor herein for misleading this Hon'ble Court by giving false information in W.P.(MD) No.19532 of 2016 dated 14.10.2016 and punish him and thus pass such or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Prayer in WP(MD). 19532/ 2016 :

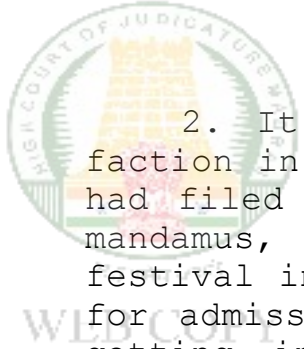
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to give police protection for the festival to be conducted by the petitioner and 100 families in R.Puthupattinam Village, Pudukkottai District on 15.10.2016.

For Petitioner : Mrs.Porkodi Karnan
For M/s.Polax Legal Solutions

For Respondent : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader

O R D E R

This contempt petition has been filed for punishing the respondent for the deliberate and wilful disobedience of the order dated 14.10.2016 passed by this Court in W.P.(MD) No.19532 of 2016.



2. It is the case of the petitioner that he is heading a faction in R.Pudupattinam Village, Pudukottai District and that he had filed W.P.(MD) No.19532 of 2016 on 05.10.2016 for a writ of mandamus, seeking Police protection for the conduct of Temple festival in R.Pudupattinam Village. The matter came up for hearing for admission on 07.10.2016 and was adjourned to 14.10.2016 for getting instructions. On 14.10.2016, on the representation of Mr.K.P.Krishna Doss, learned Government Advocate, this Court had passed the following order:

"2. When the matter is taken up for hearing, the learned Government Advocate would submit that a peace committee was formed by the Thasildar, Avudaiyar Kovil and the Inspector of Police, Memisal Police Station. He further submitted that both the parties appeared before the peace committee meeting and solved the dispute between them and they also agreed to conduct Pooja on 15.10.2016, jointly without any problem.

3. Recording the above submission made by the learned Government Advocate, this writ petition is closed. No costs."

3. It is the grievance of the petitioner that a deliberate misrepresentation has been made on 14.10.2016 as if a peace committee meeting was held and the dispute was amicably solved, but whereas the facts are otherwise.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the State.

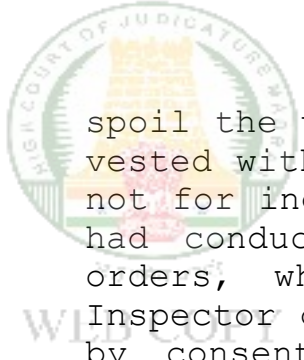
5. Learned counsel for the petitioner submitted that the Tahsildar had passed an order on 13.10.2016, in which he has stated that Tamilarasan should not interfere in the celebrations of the temple festival and that Tamilarasan should also not create any law and order problem. She further contended that this order has been passed prejudicial to Tamilarasan's interest and not passed pursuant to any amicable settlement between the parties and therefore, it is her contention that Police have misled the Government Advocate, who in turn misled the Court and therefore, she seeks suitable action against the respondent.

6. Per contra, learned Additional Government Pleader submitted that a peace committee meeting was conducted by the Tahsildar and pursuant to that meeting, he had passed the aforesaid order, which was misconstrued by the Police as if the order was passed based on the mutual agreement between the parties.

7. This Court gave its anxious consideration to the rival submissions.

8. The power to take action under the Contempt of Courts Act, 1952 is very wide, has to be exercised with great circumspection by Courts and the same cannot be exercised merely to punish a person for every innocuous violation as that will

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spoil the very administration of justice. The power of contempt is vested with Courts for the purpose of institutional protection and not for individual protection. The fact remains that the Tahsildar had conducted an enquiry on 13.10.2016 and had passed certain orders, which may not be to the liking of Tamilarasan. The Inspector of Police has misconstrued the order as if it was passed by consent of parties and the same was reported to the Government Advocate, who appeared on the next date of hearing, namely, 14.10.2016. This act of the Police cannot be construed as a supine or wilful contemptuous act, warranting issuance of statutory notice.

9. Under such circumstances, it is not a fit case to issue statutory notice of contempt to the Police and therefore, this contempt petition is closed. No costs.

Sd/-

ASSISTANT REGISTRAR (AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

Mr.Thangapandian,
The Inspector of Police,
Meemisal Police Station,
Aavudayarkoil Taluk,
Pudukkottai District

+1 CC TO M/S.SPECIAL GOVERNMENT PLEADER SR NO.18864

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MAS/MR/SAR4:08.05.2017:3P-3C

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