



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

Cont.P(MD)No.1576 of 2016

M.Abdul Rahman : Petitioner/Petitioner

Vs.

Thiru. Jawaharlal Nehru,
The Tahsildar,
Lalgudi,
Trichy. : 2nd Respondent /Contemnor

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to issue notice of contempt to the respondents for willful disobedience to the orders of this Hon'ble Court, dated 07.01.2014 in W.P(MD) No.326 of 2014 and punish the respondents for contempt.

Prayer in WP(MD)No.326 of 2014:-

To issue a Writ of Mandamus , directing the Respondents 1 to 4 his men, agent, servant or any one claiming under them to not to involve in the Civil dispute which is the subject matter of judgment and Decree dated 28.02.2011 passed in O.S. No. 525 of 1996 by Additional District Munsif, Trichy.

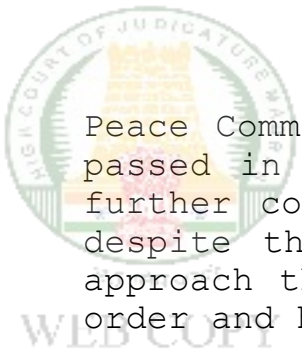
For petitioner : Mr.AL.Kannan
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

This Contempt Petition has been filed to punish the respondent for his willful and wanton disobedience and non-compliance of the order, dated 07.01.2014 made in W.P(MD) No.326 of 2014.

2.The grievance of the petitioner is that despite a decree passed in favour of the petitioner in O.S.No.525 of 1996 by the Additional District Munsif, Trichy, the petitioner is prevented from using his property.

<https://hcservices.courts.gov.in/hcservices>
S. M. Gov. A. L. Kannan, learned counsel appearing for the petitioner would submit that while disposing the writ petition, this Court observed that the Official Respondents while conducting fresh



Peace Committee Meeting shall taken into consideration the decree passed in favour of the petitioner in O.S.No.525 of 1996. It is further contended by the learned counsel for the petitioner that despite the earlier order, again the petitioner was directed to approach the Civil Court. Since the respondents have violated the order and hence, the petitioner has filed the contempt petition.

4.Mr.A.Muthukaruppan, learned Additional Government Pleader on instructions would submit that the main prayer in the writ petition is for a direction against the respondents 1 to 4 from involving in the civil dispute of the petitioner's property. Since there was no concessions in the Peace Committee Meeting, the petitioner was directed to approach the Civil Court and his only remedy is to file an execution petition.

5.Heard Mr.AL.Kannan, learned counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents and perused all the materials available on record.

6.Considering the facts of this case and the submissions of the learned counsels on either side, this Court is of the considered opinion, the petitioner has to approach the Civil Court to enforce the decree passed in O.S.No.525 of 1996 and in the dispute between the petitioner and the Jamath, the respondent cannot intervene.

7.This Court is of the view that the respondent has not violated the order passed by this Court in W.P.(MD)No.326 of 2014. Hence, the contempt petition is closed, giving liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To
Jawaharlal Nehru,
Tahsildar,
Lalgudi, Trichy.

+One cc to The Special Government Pleader, SR.No.62043
+One cc to Mr.A.L.Kannan, Advocate, SR.No.61845
am
RL/4C/2P/MR/KKR/SAR1/10/7/2017