



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.08.2018

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

CONT.P.No.1696/2014

M/s.Blue Star Cultural Association
rep.by its President V.Anand

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Petitioner

Versus

1. Thiru Kannan
Assistant Commissioner of Police
Villivakkam, Chennai-49.

2. Thiru K.S.Kandakumar
Inspector of Police
Kolathur Police Station
Kolathur, Chennai 600 099.

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Respondents

Contempt petition filed under section 11 of the Contempt of Courts Act,1971, to punish the respondents herein for contempt of court of willful disobedience of the order of this Court dated 03.04.2014 in WP.No.184/2014.

For Petitioner	:	Mrs.Al.Ganthimathi
For Respondents	:	Mr.S.Suresh Kumar, GA

ORDER

The petitioner, alleging non-compliance of the order passed in WP.No.184/2014 dated 03.04.2014, came forward to file the present contempt petition.

<https://hcservices.ecourts.gov.in> 2 The petitioner is said to be a Social Club and alleging interfering with the lawful activities by the



respondent without recourse to law, had filed the writ petition and vide order dated 03.02.2014, it came to be disposed of by issuing seven directions. The petitioner, alleging willful disobedience and violation of the said seven conditions imposed in the said order by the respondents, came forward to file this Contempt Petition.

3 Notices were ordered and the 2nd respondent has filed the counter affidavit denying the averments and paragraph No.7 would state that since the petitioner, under the guise of carrying of social activities by running a club, had violated the relevant statutory provisions, which resulted in the registration of the cases in Cr.Nos.273/2008, 432/2008, 167/2009, 361/2009, 38/2010, 394/2010, 1962/2012, 1113/2012, 324/2013, 636/2013 and 1744/2013 [11 cases] and in all the cases concerned, the accused pleaded guilty and insofar as the present case is concerned, huge amount of Rs.1,31,860/- has been seized and reiterated the stand that orders passed by this Court have been strictly complied with and only due process of law alone, has been followed before raiding the premises of the petitioner/Club.

4 The learned counsel for the petitioner would submit that the respondents, acting with an oblique motive, frequently raided the premises of the petitioner/Club on



the pretext that some unlawful activities are going on and it is factually incorrect.

5 ***Per contra***, Mr.S.Sureshkumar, learned Government Advocate would submit that if any cognizable offence is taking place and in order to prevent the commission of the cognizable offence, the police officials are always entitled to enter into the premises and would further add that due process of law has always been followed and prays for closure of the contempt petition.

6 The Court has considered the rival submissions and also perused the materials placed before it.

7 A perusal of paragraph 7 of the counter affidavit would disclose that 11 cases have been registered against the petitioner / Club and the accused pleaded guilty and paid fine. It is also to be noted at this juncture that as long as the Club carries on its alleged social activities in a lawful manner, no action can be taken. It is also to be pointed out that it is the duty cast upon the jurisdictional police official to follow due process of law and they have to take appropriate action strictly within the four corners and it is their duty to prevent the commission of the offences and also investigate and file Final Reports with regard to commission of the offences. A



perusal of the counter affidavit would also disclose that the facts pleaded by the petitioner in the contempt petition are seriously disputed and it is well settled position of law that unless a clear case of contempt is made out, this Court cannot punish the respondents.

8 Therefore, the contempt petition is closed and it is once again reiterated that the respondents are under obligation to strictly adhere to the due process of law before initiating any appropriate action against the petitioner/Club.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

AP

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/14/9/2018

To

1. The Assistant Commissioner of Police
Villivakkam, Chennai-49.

2. The Inspector of Police
Kolathur Police Station
Kolathur, Chennai 600 099.