



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CONT.P.(MD)No.1005 of 2016

R.Sivakumar

... Petitioner/Petitioner

-Vs-

M.Kannan,
The Inspector of Police,
(Law and Order),
Karimedu Police Station,
Madurai.

...Contemnor/ Respondent

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to initiate contempt proceedings against the respondent and punish him for the willful disobedience of the order of the Hon'ble Madurai Bench of Madras High Court dated 22.12.2015 made in W.P.(MD)No.23384 of 2015.

Prayer in WP(MD). 23384/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of mandamus to forbear the Respondent No.2 from interfering in the civil dispute and compelling the delivery of the possession to respondent no.3 in survey No.1543/13A to an extent of 3 cent 56 sqft at N.S.K. street, Pethaniyapuram Madurai District.

For Petitioner : Ms.Meenakshi
for Mr.T.Lajapathi Roy

For Respondent : Mr.M.Rajarajan,
Government Advocate.

ORDER

Earlier, the petitioner filed a Writ Petition in W.P.(MD) No.23384 of 2015, forbearing the second respondent, namely, the Inspector of Police, (Law and Order), Karimedu Police Station, Madurai from interfering the civil dispute. In the said Writ Petition, this Court passed an interim order dated 22.12.2015, directing to provide interim police protection till 18.01.2016, if there are no other legal impediments. But, no police protection has been given, as per the order of this Court. Hence, the



present Contempt Petition has been filed.

2.The learned Government Advocate appearing for the respondent has filed counter affidavit, stating that there are some private disputes between the petitioner and the third respondent in the Writ Petition and already an enquiry was conducted by the Revenue Divisional Officer in this regard and held that the petitioner has not claimed any police protection to his possession in respect of Survey No.1543/13A, but he requested the police protection only for entering into the peaceful possession of the third respondent in respect of Survey No.1543/10 in the Writ Petition.

3.Considering the facts and circumstances of the case, since the petitioner has not claimed any police protection to his possession in respect of Survey No.1543/13A and he requested the police protection in respect of the Survey No.1543/10 for entering into the peaceful possession of the third respondent, there is no violation of the order passed by this Court. Hence, this Contempt Petition is dismissed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 46040
+ 1 cc TO The Special Government Pleader in SR No. 46600

Myr

AE/GT/SAR2/15.02.2018/2P/3C

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