

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Cont.P.No.1246 of 2018

R.Mohana

.. Petitioner

Vs.

1.Mahesh Kumar,
The Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2.Anbumani,
The Inspector of Police,
Taluk Police Station,
Krishnagiri,
Krishnagiri District.

3.Sardar Hussain,
The Sub-Inspector of Police,
KRP Dam,
Krishnagiri,
Krishnagiri District.

.. Respondents

PRAYER: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, 1971, to punish the Respondents under the relevant provisions of Contempt of Courts Act, for willfully, voluntarily and deliberately disobeying the orders passed by this Court in CrI.O.P.No.7742 of 2017 dated 20.04.2017.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This contempt petition has been filed for the non-compliance of the order passed by this Court in Crl.O.P.No.7742 of 2017 dated 20.04.2017.

2.This Court passed the following order in the Criminal Original Petition:-

"2.Learned counsel for the petitioner submits that despite the order of the learned District Munsiff, Krishnagiri passed in D.No.67/2017 dated 10.02.2017, requiring the Superintendent of Police, Krishnagiri, to provide police aid and protection to the petitioner's peaceful possession and enjoyment of the suit property, the same has not been provided to the petitioner.

3.The submissions made by the learned counsel for the petitioner and by Mr.M.Mohamed Riyaz, learned Government Advocate (Crl. Side) representing the respondents were heard. The materials available on record were also perused.

4.Considering the submissions made, this Court would direct to allow the petition. Accordingly, the criminal original petition shall stand allowed and the respondents are directed to afford protection as prayed for."

3.A counter affidavit has been filed by the respondent police. It will be relevant to extract the portions of the counter affidavit hereunder:-

"8.I submit that based on the above said Hon'ble High Court order, on 23.06.2017, when the petitioner and her brothers along with Revenue Inspector, V.A.O., and Surveyor went to the disputed property for surveying the land. At that time, I have given adequate Police protection to them.

9.I submit that on the said day, the petitioner and her brothers have submitted a written submission stating that the respondent police had given adequate Police Protection to them on the said date. Hence there is no violation of this Hon'ble High Court order dated 20.04.2017."

4.The learned counsel for the petitioner submitted that the petitioner was not able to take possession of the property and the police did not give adequate protection and therefore the orders passed by this Court has not been complied with in letter and spirit.

5.The learned Additional Public Prosecutor appearing on behalf of the respondents on instructions submitted that the petitioner along with her father had given in writing that the exact property will have to be identified with the help of the revenue officials, who have to survey the land and identify the

extent. By saying so the petitioner and others stated that this process shall be completed by bringing the revenue officials at a future date and at which point of time, police protection can be granted. This is extracted from the letter dated 23.06.2017 produced before this Court.

6.The entire dispute arises only because it is a vacant land which requires proper identification and the boundaries will have to be fixed by the revenue officials based on documents. Till this is done, the police cannot be continuously giving protection to the petitioner and her family members.

7.There shall be a direction to the 2nd respondent to provide sufficient police protection to the petitioner as and when the petitioner brings the revenue officials for survey of the land and fixing of the boundaries. Once this process is completed, there will be no dispute on the identity of the property and the petitioner can also enjoy the property along with her family members without any dispute.

8.This Contempt Petition is closed with the above directions.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

vs

//Certified to be true copy//

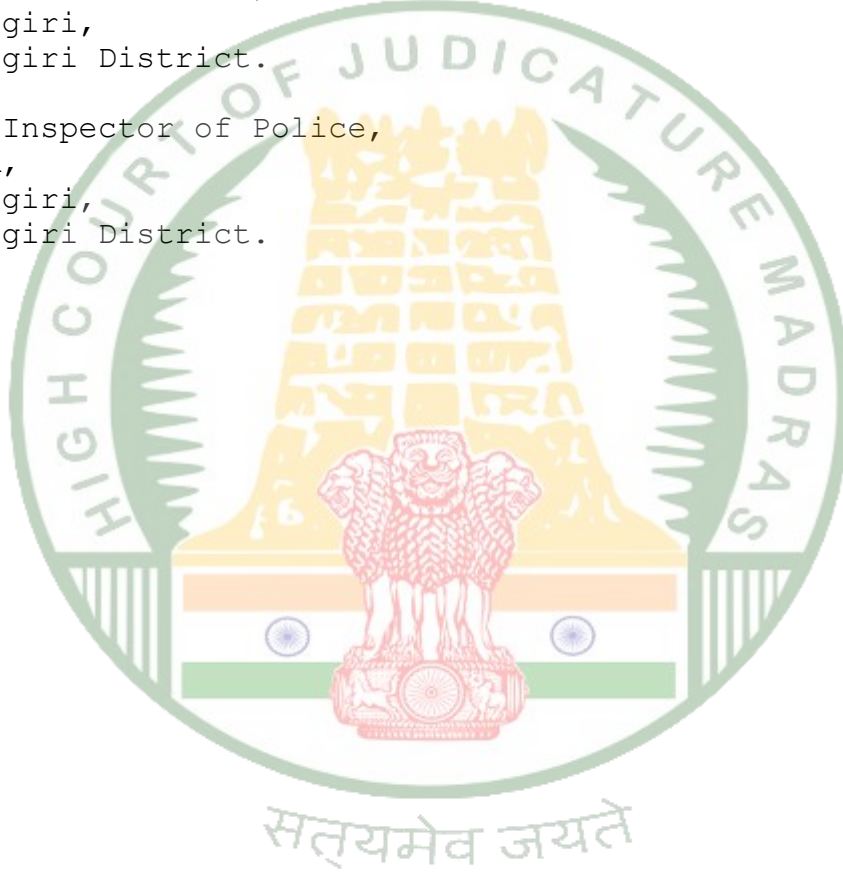
Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

Mv/18/07/2019

To

- 1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 2.The Inspector of Police,
Taluk Police Station,
Krishnagiri,
Krishnagiri District.
- 3.The Sub-Inspector of Police,
KRP Dam,
Krishnagiri,
Krishnagiri District.



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