

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cont.P.No.2278 of 2018

1. Kakollu Prasad
2. Kakarla Ravindra
3. Yamala Ramesh ... Petitioners

Vs.

1. K.V.Rathinam,
S/o.Thirupathiya,
No.903, J.Block,
17th Street,
Anna Nagar West,
Chennai 40.
2. Mr.Ganasekar,
The Inspector of Police,
District Crime Branch
(Land Grabbing Cell)
Thiruvallur District.

(R2 impleaded pursuant
to the order of this Court
made in Sub.Appl.657/18
dated 08.03.2019)

... Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of the Courts Act, praying to punish the respondents for willfully violated the orders of this Court in CrI.O.P.No.17640 of 2017, dated 02.02.2018.

For Petitioners : Mr.A.Ilaya perumal

For Respondents : Mr.V.Balaji for
Mr.P.Krishnan for R1
Mr.B.Arulmozhi maran
Government Advocate
(CrI. Side)
for impleaded R2

ORDER

In the order of this Court dated 02.02.2018, this Court directed the first respondent to hand over the original records namely the Sale Deeds Nos.4364 of 2006 and 4365 of 2006 to the second respondent herein for the purpose of investigation. Since the first respondent had not handed over the documents to the second respondent, the present contempt petition has been filed.

2. When the contempt petition was taken up for hearing, the first respondent herein had filed an affidavit dated 08.03.2018 before this Court wherein he had stated that the original documents pertaining to the Sale Deed Nos.4364 of 2006 and 4365 of 2006 have been misplaced and the relevant portion of the counter affidavit reads as follows:

"9. I further submit that meanwhile the original documents have been misplaced and I am not able to trace the same. Owing to the non-availability of the said original documents, I am not in a position to represent the civil suit before the District Court, Thiruvallur. The non-availability of the original documents have also been recorded by this Court vide order dated 06.09.2018 passed in Contempt Petition No.422 & 423 of 2018. I am always ready and willing to obey the orders passed by this Court, and I never even thought of disobeying the orders of this Court. However, I have not been able to produce the original documents in the above stated situation. I further undertake to produce the same once the original

documents are traced by me."

3. The grievance of the petitioners seems to be that first respondent herein may misuse the Sale Deed, which he claims to be in his position.

4. In view of the statement given in the counter affidavit of the first respondent that he has misplaced the original documents, the petitioners may not have a grievance, since the question of misusing these documents will not arise owing to the above observation made by the first respondent in his counter affidavit.

5. Recording the statements of the first respondent, the contempt petition is closed, since non-production of the original documents which are misplaced, would not amount to a disobedience that can be termed as willful. Accordingly, the contempt petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

vum

//Certified to be true copy//

Dated at Madras this the day of 2019.

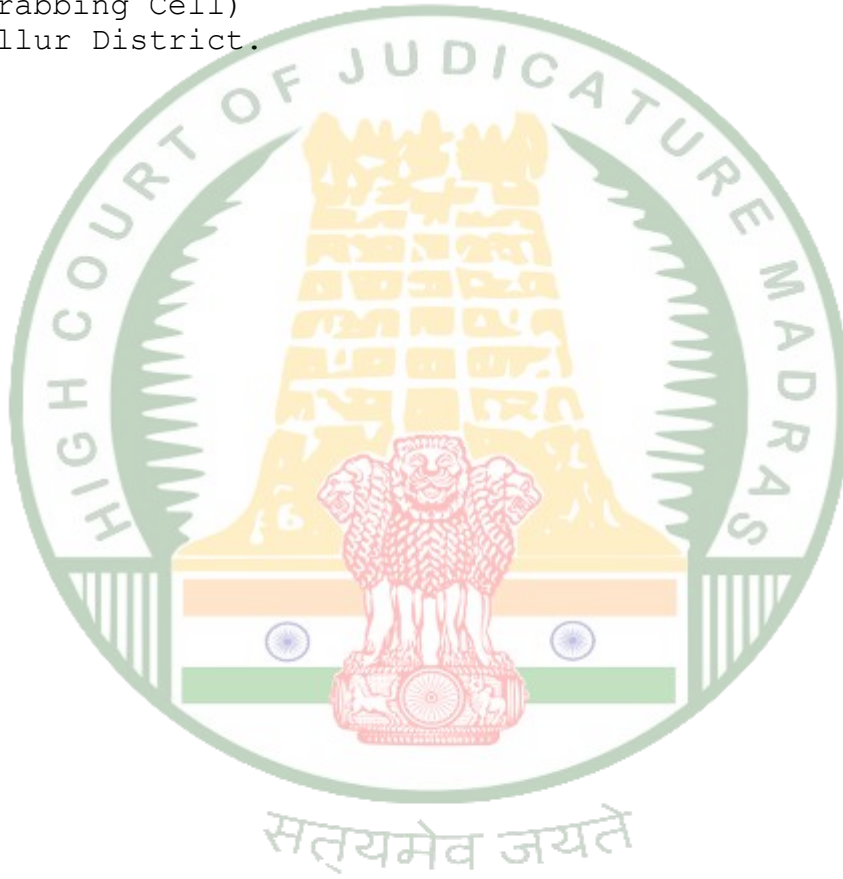
COURT OFFICER(O.S.)

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Sm/20/05/2019

To

The Inspector of Police,
District Crime Branch
(Land Grabbing Cell)
Thiruvallur District.



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