



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Sub.A(MD).No.138 of 2019

in

Cont.P(MD).No.30 of 2015

in

W.P(MD).No.2604 of 2014

N.Sheela Selvi

... Petitioner

-Vs-

1.K.Anbazhagan

Sub Divisional Magistrate-cum
-Revenue Divisional Officer,
Trichirapalli.

2.N.Ravichandran,

The Commissioner,
Trichirapalli City Corporation,
Trichy-1.

... Respondents

Prayer: Sub Application is filed under Section 151 of Code of Civil Procedure, to revive Cont.P(MD).No.30 of 2015 in W.P(MD).No.2604 of 2014, dated 16.04.2015.

Prayer in CONT P(MD). 30/ 2015 :

To summon the respondent and deal with him as per law for having willfully disobeyed the order dated 18th February 2014 in W.P. (MD)No.2604 of 2014 passed by this Honourable Court.

Prayer in WP(MD). 2604/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus or any other order or direction in the nature of the Writ directing the 2nd and 4th Respondents to implement the order passed by the 1st Respondent in Na.Ka.A1. 3388-2012 dated 17.10.2013.

For Petitioner : Ms.Sheelaselvi
Party-in-person

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.N.S.Karthikeyan
Standing Counsel

**ORDER**

This Sub Application has been filed to revive the contempt petition in Cont.P(MD).No.30 of 2015, which has already been closed, by an order of this Court, dated 16.04.2015. The said contempt petition was filed alleging that the order of this Court made in W.P (MD).No.2604 of 2014, dated 18.02.2014 had been wilfully disobeyed, by the respondents therein.

2.In order to appreciate the same, the order passed by this Court, dated 18.02.2014 in W.P(MD).No.2604 of 2014 reads thus:-

".....

4.The learned Additional Government Pleader appearing for the first and second respondents as well as the fourth respondent, on instructions, would submit that as against the order, dated 17.10.2013, the third respondent preferred a civil revision petition in CRP(MD).No.84 of 2013 under Section 397 Cr.P.C before the Principal District and Sessions Judge, Tiruchirappalli. That was ultimately dismissed by the said Court on 20.12.2013. Thereafter, the respondent police has now registered an first information report in Crime No.48 of 2014, dated 22.01.2014 under Sections 147, 294(b), 323, 427 and 506 (ii) IPC, against the third respondent, his daughter, wife and one Annadurai, Subbu, Meenakshi Sundaram and Muthu Selvam, a ward councilor and 150 persons and the investigation is pending.

5.Therefore, the prayer of the petitioner has already been granted and it is in the stage of investigation process. Since the respondent police has already initiated necessary action by registering the first information report, no further direction need be issued except to state that the police will initiate appropriate action in respect of the Crime No.48 of 2014 and proceed with further in accordance with law.

With the above direction, this writ petition is disposed of. No costs. "

3.The grievance of the petitioner in the earlier round of contempt petition was that the said order passed by this Court in the writ petition referred to above, dated 18.02.2014, had not been complied with. Accordingly, Cont.P(MD).No.30 of 2015 was filed and the same was heard by a learned Judge of this Court on 16.04.2015. After hearing the petitioner, who appeared party-in-person in the said contempt petition, this Court passed the following order:-

"Alleging that the order of this Court passed in W.P (MD)No.2604 of 2014, dated 18.02.2014, has been disobeyed by the respondent/contemnor, the petitioner has come forward with the present Contempt Petition.



2. Heard the petitioner-in-person as well as the learned Additional Government Pleader appearing for the respondent.

3. When the matter is taken up for hearing, the learned Additional Government Pleader produced a copy of the status report filed by the respondent. In paragraph 4 of the said report, it is stated as follows:

"4. I respectfully submit that, the aggrieved person, namely, Nandalala @ Nedunchelian, S/o.Singaravelan has challenged the above said RDO order, dated 17.10.2013 before this Hon'ble Court in CrI.O.P(MD)No.3751/2014 and the same is pending adjudication. As the Trichy Corporation was not a party to the said proceedings, we are unable to challenge the same."

4. Further, in the order, dated 18.02.2014 made in W.P.(MD)No.2604 of 2014, this Court has not given any direction to the respondent/contemnor with regard to measurement as well as survey of the property. The observation made in paragraph 5 of the order passed in the above writ petition, would be sufficient to the police to initiate appropriate action in respect of the Crime No.48 of 2014 and proceed further in accordance with law, in respect of the parties concerned.

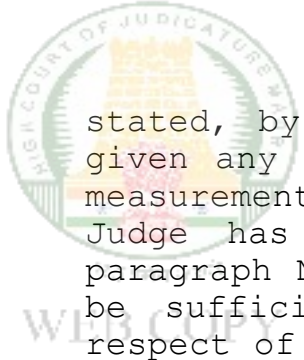
5. With the above observations, this Contempt Petition is closed."

4.Though the said order has been passed and the contempt petition was closed, under which, now the present Sub Application has been filed by the petitioner-in-person on the ground that, the orders of this Court has not been fully complied with.

5.I have heard the petitioner, who appeared party-in-person and perused the materials placed before this Court.

6.As extracted above, this Court, by order dated 18.02.2014 in paragraph No.5, has made an observation that the respondent police therein had already registered a First Information Report triggered by the petitioner, in Crime No.48 of 2014 and accordingly, the learned Judge observed that, the said criminal case registered by the police concerned, be proceeded with by investigation, in accordance with law.

7.In the said writ petition, no direction whatsoever has been given to any of the respondent beyond the said observation made in paragraph No.5 of the said order. This has been clarified and reiterated by the learned Judge, who dealt with the contempt petition, in his order dated 16.04.2015, where the learned Judge has



stated, by closing the contempt petition that, this Court has not given any direction to the respondent/contemnor with regard to the measurement as well as the survey of the property and the learned Judge has further made it clear that the observation made in paragraph No.5 of the order passed in W.P(MD).No.2604 of 2014 would be sufficient to the police to initiate appropriate action in respect of Crime No.48 of 2014 and to proceed further in accordance with law.

8.In this given circumstances, if at all, the petitioner still have any grievance like the police have not investigated the issue pending in Crime No.48 of 2014, in the manner known to law and the culprits have not been brought to the criminal jurisdiction and no charge sheet has been filed and by virtue of that, the petitioner feels aggrieved, it is open to the petitioner to agitate that issue, in the manner known to law by filing appropriate application before the appropriate forum.

9.However, if at all, the petitioner has got any grievance, as has been indicated above, that will not automatically entitle the petitioner to seek indulgence of this Court to revive the contempt petition, which has already been closed for the reason recorded therein and in that view of the matter, the present sub application filed to revive the contempt petition, which was already closed by an order dated 16.04.2015, is unsustainable and therefore, this Court is not inclined to entertain this Sub Application and the same is deserved to be rejected. Accordingly, this Sub Application is rejected.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

1.The Sub Divisional Magistrate-cum
-Revenue Divisional Officer,
Trichirapalli.

2.The Commissioner,
Trichirapalli City Corporation, Trichy-1.

+3. C.C. to M/S.Sheelaselvi, Advocate SR.No. 79105

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W.P(MD) .No.2604 of 2014

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