



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P. (MD)No.313 of 2020

in

Cr1.O.P. (MD)No.19436 of 2019

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... Petitioner /Petitioner

Vs

1.Mr.Om Prakash,
The Superintendent of Police,
Tirunelveli District.

2.Mrs.Mary Sabitha,
The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

... Contemnors/Respondents/
Nos.1 & 2

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to take cognizance of this complaint and issue process to the contemnors and thereby try them under Section 11 of Contempt of Courts Act, 1971 and further punish them by awarding maximum punishment provided in the said Act in view of their deliberate disobedience of the order passed by this Court in Cr1.O.P.(MD) No.19436 of 2019 dated 09.01.2020.

Prayer in CRL OP(MD)No.19436 of 2019:This criminal original petition has been filed under section 482 of criminal procedure code, to direct the inspector of police, kalakkadu Police station, Tirunelveli District to award adequate police protection to the petitioner to hold an unhindered possession and enjoyment of the house property situated in D.No.11/21, kirubaline street, kalakkadu, Tirunelveli District on the strength of the decree passed by the learned District Munsif, Nanguneri, Tirunelveli in O.S.No.110 of 2011 dated 02.11.2017.

For Petitioner	:	Mr.R.Anand
For Respondents	:	Mr.A.Robinson, Government Advocate (Cr1. Side)

ORDER

This contempt petition has been filed alleging breach of the direction given by this Court on 09.01.2020 in Cr1.O.P.(MD)No.19436 of 2019.

2.The petitioner's counsel states that the petitioner had obtained a decree in O.S.No.110 of 2014 on the file of the learned Additional District Munsif, Nanguneri and that the said decree is



holding good. The petitioner's counsel specifically alleges that the local police are hand in glove with the defendants in the suit.

3.Mr.A.Robinson, learned Government Advocate (Crl. Side) on instructions states that the police will not interfere with the rights of the petitioner to enter the property in question or to do renovation. The petitioner's counsel states that the opponents have demolished the doors and windows using crowbar and they have also put up a wall in front of the house. When this Court directed the respondents to hand over the key, it is stated that the respondent police handed over some other key. I permit the petitioner to enter the house in question. Of course, the jurisdictional police are specifically restrained from preventing from doing so. In fact, the jurisdictional police are directed to act in terms of the order dated 09.01.2020 in Crl.O.P.(MD)No.19436 of 2019.

4.With these directions and observations, the contempt petition is disposed of. I make it clear that the rights of the parties would abide by the outcome of the pending civil proceedings.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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The Superintendent of Police,
Tirunelveli District.

2.Mrs.Mary Sabitha,
The Inspector of Police,
Kalakkadu Police Station,
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