



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.02.2020

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THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Cont.P(MD)No.1766 of 2019
in
Crl.O.P(MD) No.16048 of 2019

Thavamani Regenal Jayaseeli .. Petitioner/Petitioner

Vs.

1. Udhaykumar
Sub Inspector of Police
Thevarkulam Police Station
Thevarkulam, Tirunelveli District

2. Balasubramani
The District Land Surveyor
Sankarankovil Taluk
Tirunelveli District .. Respondents/Contemnors

Prayer : This petition is filed under Section 11 of Contempt of Court Act to punish the contemnor/ Respondent herein for his deliberately and wilful disobedience of the order of this Honourable Court dated 06.11.2019 in Crl.O.P(MD) No.16048 of 2019.

Prayer in CRL OP(MD) . 16048/ 2019 :

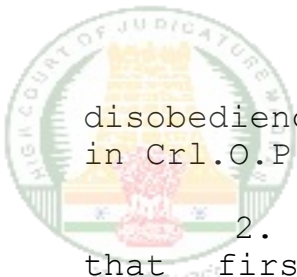
Criminal Original Petition filed under Section 482 of Criminal Procedure Code directing the respondents 2 to 3 particularly the 3rd respondent to provide police protection to the petitioner while surveying the petitioner's land in survey Nos.37/3D2, 3E2 and 3F2 measuring to an extent of 0.48.00 Hectares Ares situated at Thevankulam Village, Sankarankovil Taluk, Tirunelveli District and also to take appropriate action on the respondents 5 and 6 for their illegal and high handed activities forthwith.

For Petitioner : Mr.Mahendran
for Mr. J.Sivaram

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Contempt petition has been filed to punish the contemnor/ Respondent herein for his deliberately and wilful
<https://hcservices.ecourts.gov.in/hcservices/>



disobedience of the order of this Honourable Court dated 06.11.2019 in Crl.O.P(MD) No.16048 of 2019.

2. The learned Additional Public Prosecutor would submit that first respondent/contemnor is no more. He would submit that the Criminal Original Petition has been filed to direct the respondents 2 to 3 particularly the 3rd respondent to provide police protection to the petitioner while surveying the petitioner's land in survey Nos.37/3D2, 3E2 and 3F2 measuring to an extent of 0.48.00 Hectares Ares situated at Thevarkulam Village, Sankarankovil Taluk, Tirunelveli District and also to take appropriate action on the respondents 5 and 6 for their illegal and highhanded activities forthwith. This Court finding that the petitioner has also paid a requisite fee to survey the property and further finding he has filed a suit as against the fifth and sixth respondents and the same was decreed in his favour and also taking note the fifth and sixth respondent also filed suit in O.S.No. 8 of 2019 on the file of the Additional District and Sessions Court, Tenkasi, Tirunelveli District and it is pending had directed that if the petitioner's request for surveying the land was accepted by the revenue authorities, the concerned surveyor can survey the property as requested by the petitioner and While surveying the land, if the Surveyor feels any hindrance or difficulty to survey the land belonging to the petitioner, he can very well seek police protection before the third respondent. This Court further held that if any complaint is lodged by the Surveyor while surveying the land seeking police protection, the third respondent is directed to consider the same and pass orders on merits and in accordance with law after conducting enquiry with the respondents 5 and 6 herein.

3. He would further submit that originally Sankarankovil Taluk was within the Tirunelveli District and during bifurcation of the district Sankarankovil was bifurcated to Manur and Sankarankovil Taluks and the petitioner's village , Thevarkulam is now in Manur Taluk which has now come within the jurisdiction of the Tirunelveli District and thereby there had been delay in considering the petition for surveying the property. If the petitioner approaches the present surveyor of Manur Taluk and fixes the date for surveying the property and if date is fixed by this Surveyor suitable protection will be given to the petitioner.

4. In view of the same, this Contempt petition is closed.

However direction is issued to the Head Surveyor, Manur Taluk, Tirunelveli District to consider the application of the petitioner and fix a date for surveying the property in survey Nos.37/3D2, 3E2 and 3F2 measuring to an extent of 0.48.00 Hectares Ares situated in Thevarkulam Village after issuing notice to the all the necessary parties concerned within a period of eight weeks from the date of receipt of a copy of this order. On the date so fixed for conducting survey the respondent police shall provide



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5. With the above direction, the contempt petition stands closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

aav

To

1. Mr.Balasubramani
The District Land Surveyor
Sankarankovil Taluk
Tirunelveli District
2. The Head Surveyor
Manur Taluk
Tirunelveli
3. Mr.Udhaykumar
Sub Inspector of Police
Thevarkulam Police Station
Thevarkulam, Tirunelveli District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.SIVARAM, Advocate (SR-7890[F] dated 24/02/2020)

Cont.P(MD)No.1766 of 2019

in
Crl.O.P(MD) No.1604 of 2019
24.02.2020

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KK/12.03.2020/ 3P- 6C

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