



WEB COPY

Cont.P.No.1631 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2021

CORAM :

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Cont.P.No.1631 of 2012

and

Sub.Application No.552 of 2012

P.Ramakrishna Raju,
No.45, Green Fields,
Ooddajala Hubli,
Bettahalasur,
Bangalore North,
Bangalore 562 157

... Petitioner

Vs.

1.Shri Pavan Kumar Kakar,
Senior Manager,
Canara Bank, Peenya Branch,
269, Sree Muneswara Industrial Estate,
Tumkur Road, Peenya,
Bangalore – 560 058.

2.Smt.N.A.Sowbhagya,
Advocate Commissioner,
11/1, Crescent Road,
Bangalore – 560 001.

... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971,
to punish the respondent for his willful disobedience of the order passed by this

<https://hcservices.ecourts.gov.in/HCServices/> Court on 08.11.2012 in M.P.No.4 of 2012 in W.P.No.30408 of 2012.



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Cont.P.No.1631 of 2012

For Petitioner : Mr.E.Om Prakash
Senior Counsel
assisted by Mr.G.Veerapathiran

For R1 : Mr.S.Uma Sudhan

For R2 : No appearance

ORDER

(Order of the Court was made by M. SATHYANARAYANAN, J.)

(Through video conferencing)

The petitioner alleging wilful disobedience and non-compliance of the interim order, dated 08.11.2012, made in W.P.No.30408 of 2012 and M.P.Nos.2, 3 & 4 of 2012, came forward to file this Contempt Petition.

2.Heard the submissions of Mr.E.Om Prakash, learned Senior Counsel, assisted by Mr.G.Veerapathiran, learned counsel for the petitioner, and Mr.S.Uma Sudhan, learned counsel appearing on behalf of the 1st respondent. Though the name of the 2nd respondent has been printed and her name appears in the cause list, there is no representation on her behalf.

3.The primordial submission made by the learned Senior Counsel appearing for the petitioner is that, despite the knowledge of the said interim order and when the family members of the petitioner were inside the premises, it has been put under lock and seal, and has also drawn the attention of this

<https://hcservices.ecourts.gov.in/hcservices/>

Court to the additional Typed Set of Papers, dated 27.01.2021, and would



submit that the main writ petition itself came to be disposed of with certain directions, and as to the above said Human Rights violation, a complaint was also lodged on the file of the National Human Rights Commission, New Delhi, in Case No.418/10/1/2013, and vide final order, dated 15.11.2017, the Commission ordered payment of compensation of Rs.2 Lakhs each to the victims, and challenging the same, writ petitions are also pending. It is brought to the knowledge of this Court that, as on date, the petitioner continues to remain in occupation of the premises in question and there are various legal proceedings pending as to the auction sale conducted by the 1st respondent.

4.Mr.S.Uma Sudhan, learned counsel appearing for the 1st respondent, has drawn the attention of this Court to the counter affidavit, dated 03.02.2013, and would submit that, in compliance of the orders passed by the Debts Recovery Tribunal-II, Chennai, dated 01.08.2012 and 19.10.2012, in O.A.No.41 of 2009, the 2nd respondent visited the suit property on 07.11.2012 for the purpose of handing over the vacant possession to the auction purchaser, and having found that the premises was locked, an attempt was made to take over the physical possession, and at that time, the employee of the petitioner informed the 2nd respondent that the petitioner had gone to Hyderabad for taking treatment and also declared nobody was inside the premises, and lock and seal on the premises was put up, and would further point out that the learned



Advocate Commissioner in compliance of the Warrant of Commission, issued by the Debts Recovery Tribunal-II, Chennai, has complied with the said order, for which, the respondents cannot be faulted with, and has further drawn the attention of this Court to the submission made by the learned counsel appearing for the petitioner that, as on date, the petitioner continues to remain in possession in the premises in question and legal proceedings are also pending on the file of this Court, and prays for closure of this Contempt Petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.It is an admitted fact that W.P.No.30408 of 2012 itself came to be disposed of on 25.09.2013 with certain directions. A perusal of the above cited order would disclose that the pendency of the present Contempt Petition which arose out of the interim order, has not been brought to the knowledge of the concerned Bench. The National Human Rights Commission, New Delhi, after taking cognizance of the complaint given by the petitioner as to the incident that took place in the light of the lock and seal put up by the Advocate Commissioner, has awarded compensation of Rs.2 Lakhs each to the concerned individuals, and a challenge is also made to the said order and it is said to be pending.



7.In the light of the above facts and circumstances, especially the fact that the petitioner continues to remain in possession in the property in question, and that various legal proceedings are also pending with regard to the auction sale conducted by the 1st respondent Bank pertains to the subject property, no further orders are necessary in this Contempt Petition.

Therefore, this Contempt Petition is closed. Consequently, connected application is also closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

mkn

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/27/04/2021