



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Cont.P.(MD)No.909 of 2021

in

W.P.(MD)No.5653 of 2021

WEB COPY

C.Sam Devadasan

... Petitioner/Petitioner

Vs

Mr.S.Jeyakumar,
The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

...Respondent/1st Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order passed by this Court in W.P.(MD)No.5653 of 2021 dated 18.03.2021.

Prayer in WP(MD)No.5653 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ in the nature of Writ of Mandamus or any other writ or order or direction to direct Writ of Mandamus or any other writ or order or direction directing the 2nd respondent to provide police protection for fencing the petitioner property in Old S.No.26/3B, New S.No.26/3B1A situated at Korampallam Village, Teekay Nagar, Thoothukudi District, in terms of the order passed by the Sub Divisional Magistrate, Thoothukudi vide his Proceedings in Roc.No.B1/CrPC 145/01/2019 dated 22.10.2020 by considering the petitioners representation dated 27.02.2021 and may pass such other or further orders as this Honourable Court deem fit and property to the facts and circumstances of the case and thereby rend.

For Petitioner : Mr.B.Siddeswaran

For Respondent : Mr.P.Subbaraj,
learned counsel for the State

ORDER

The petitioner alleges wilful disobedience of an order dated 18.03.2021 in W.P.(MD).No.5653 of 2021. By the said order, in the operative portion, this Court directed as under:

"4. In any event, the first respondent is directed to consider the representation of the petitioner based on findings and on merits keeping in mind the proceedings of the Sub-Divisional Magistrate, Thoothukudi in ROC.No.B1/CrPC145/01/2019,



dated 22.10.2020, within a period of two weeks from the date of receipt of a copy of this orders."

2. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of the alleged contemnor and states that the order dated 18.03.2021 was duly considered by the Superintendent of Police, Thoothukudi District and upon such consideration, the communication dated 07.05.2021 was issued.

3. The scope of contempt jurisdiction is limited to examining whether there was disobedience of the relevant order and, if so, whether such disobedience was wilful. In the case on hand, the order dated 18.03.2021 directed the respondent to dispose of the petitioner's representation by keeping in mind the proceedings of the Sub Additional Magistrate, Thoothukudi. The communication dated 07.05.2021 reflects that the said proceedings have been taken into account while issuing such communication. As such, it cannot be said that there was wilful disobedience of the order dated 18.03.2021.

4. Accordingly, Cont.P.(MD).No.909 of 2021 is closed. It is made clear that it is open to the petitioner to challenge the communication dated 07.05.2021 in accordance with law.

Sd/-

Assistant Registrar (Crl side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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:

The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.D.SELVANAYAGAM, Advocate (SR-25465[F]dated 06/08/2021)
+1 CC to M/s.GP (SR-25535[F] dated 06/08/2021)

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W.P.(MD)No.5653 of 2021

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