



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Cont.P(MD)No.1102 of 2021

in

W.P(MD)No.2078 of 2021

WEB COPY

M.Vijayaraman

... Petitioner/Petitioner

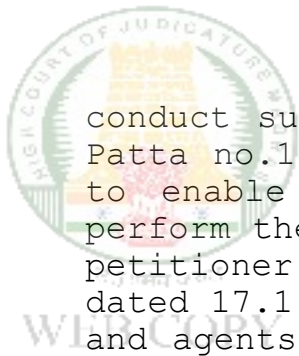
Vs.

1. Mr.Baskaran,
The Superintendent of Police,
Madurai Rural District.
 2. Tmt.Maya Rajalakshmi,
The Inspector of Police,
Thirumangalam Town Police Station,
The Inspector of Police,
Kalligudi Police Station (in charge),
Madurai District.
 3. Mr.Thirumalai,
The Tahsildar,
Kalligudi Talu,
Madurai District.
 4. Mr.Perumal,
Taluk Surveyor,
Thirumangalam Taluk,
Kalligudi Taluk (in charge),
Madurai District.
 5. Tmt.Chintamani @ Karuppayee
 6. Mr.M.Kannan
- ... Contemnors/Respondents 1 to 6

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Court Act, to punish the Contemnor 1 to 6/respondent No.1 to 6 for the wilful disobedience of the order passed by this Court in W.P (MD)No.2078 of 2021 dated 05.02.2021.

Prayer in WP(MD). 2078/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus to directing the respondents 1 and 2 to accord adequate police protection to



conduct survey the petitioners land in Survey no.22/11B2, 22/6C in Patta no.1071 in Veppankulam Village, Kalligudi Taluk, Madurai dist to enable the respondents 3 and 4 and their sub -ordinates to perform their statutory duty of conducting survey of the land of the petitioner by considering the petitioners written representation dated 17.1.2021 and to forbear the 5th and 6th respondents their men and agents etc., from any way making hindrance to the survey to be held by the officials of the 3rd and 4th respondents while discharging their official duties pursuant to the petitioner request dated 27.11.2020

For Petitioner : Mr.A.Kannan

For Respondent : Mr.P.Subbaraj,
Counsel for the State, for R1 to R4

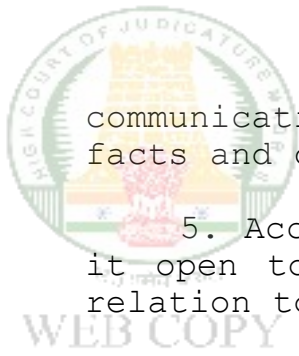
O R D E R

The petitioner alleges wilful disobedience of an order dated 05.02.2021 in W.P(MD).No.2078 of 2021. The petitioner states that the said writ petition was filed for police protection to conduct a survey of the petitioner's land in Survey Nos.22/11B2, 22/6C in Veppankulam Village, Kalligudi Taluk, Madurai District.

2. According to the petitioner, such order has been wilfully disobeyed not only by the official respondents but also by the private contesting respondents inasmuch as they have successfully impeded the conduct of survey.

3. Mr.P.Subbaraj, learned counsel who appears for alleged contemnors 1 to 4 relies upon a communication dated 22.07.2021 from the Tahsildar, Kalligudi, whereby the Tahsildar has pointed out that the conduct of survey was not possible on account of law and order problems and therefore it has been temporarily stopped.

4. The scope of contempt jurisdiction is confined to examining whether the relevant order was disobeyed and, if so, whether such disobedience was wilful. In the case at hand, although the petitioner claimed the larger relief of police protection in connection with a survey of his land, the Court disposed of such writ petition by directing the second respondent to consider the petitioner's representation and dispose of the same on merits after providing notice to the private respondents. Given the limited scope of the order, it certainly cannot be concluded that the police authorities were directed to provide police protection to the revenue officials and that they disobeyed such order. In addition, the communication dated 22.07.2021 from the Tahsildar indicates that measures were taken in right earnest to carry out the survey, but the same was not possible for the reasons set out in such



communication. No case of wilful disobedience is made out in the facts and circumstances.

5. Accordingly, Cont.P(MD).No.1102 of 2021 is closed by leaving it open to the petitioner to institute appropriate proceedings in relation to the proposed survey of his land.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To:

1. Mr.Baskaran,
The Superintendent of Police,
Madurai Rural District.
2. Tmt.Maya Rajalakshmi,
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The Inspector of Police,
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3. Mr.Thirumalai,
The Tahsildar,
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Madurai District.
4. Mr.Perumal,
Taluk Surveyor,
Thirumangalam Taluk,
Kalligudi Taluk (in charge),
Madurai District.

+1 CC to M/s.A.KANNAN, Advocate (SR-27011[F] dated 23/08/2021)

+1 CC to M/s.GP (SR-26769[F] dated 19/08/2021)

Cont.P(MD)No.1102 of 2021

in

W.P(MD)No.2078 of 2021

18.08.2021