



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1898 of 2021

in

Crl.O.P.(MD)No.19485 of 2021

WEB COPY

1.N.Ramanathan
2.N.Boominathan
3.N.Arumugam

... Petitioners

Vs.

1.Saravanan,
The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.

2.T.Antony Raja,
Thasildar,
Devakottai Taluk,
Sivagangai District.

*(R2 suo motu impeaded vide order dated 14.12.2021 in
Cont.P.(MD)No.1898 of 2021)*

3.T.Prabakar,
Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.

... Contemnors

*(R3 suo motu impeaded vide order dated 15.12.2021 in
Cont.P.(MD)No.1898 of 2021)*

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/2nd respondent herein ie., Inspector of Police, Devakottai Town Police Station for his wilful, wanton and utter disobedience of the orders passed by this Court dated 08.12.2021 in the above Crl.O.P.(MD)No.19485 of 2021 under the Contempt of Courts Act.

Prayer in CRL OP(MD). 19485/ 2021 :

This Criminal Original Petition Filed Under Section 482 of Cr.P.C., to direct the 2nd Respondent and 3rd Respondent not to interfere in civil disputes and not to harass the Petitioners and their family members.

For Petitioners : Mr.M.Shakul Hammed

For Respondents : Mr.Veerakathiran,
Additional Advocate General,
Assited by Mr.T.Senthil Kumar,
Additional Public Prosecutor.



O R D E R

Heard the learned counsel for the petitioners and the learned Additional Advocate General assisted by the learned Additional Public Prosecutor for the respondents.

2.The petitioner filed CrI.O.P.(MD)No.19485 of 2021 for forbearing the local police from interfering in the civil dispute which the petitioners are having with the private respondents in the criminal original petition. Mr.Kannan, learned counsel entered appearance for the fourth respondent. The said criminal original petition was disposed of on 08.12.2021 with the following directions:-

(i) The petitioners will be summoned only by way of written summon. There is no question of orally summoning the petitioners.

(ii) The second respondent will conclude the enquiry on merits and in accordance with law within a period of two weeks after the appearance of the petitioners.

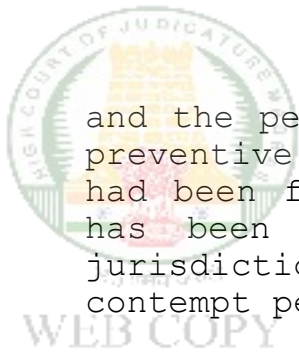
(iii) If the matter is purely civil in nature, the second respondent will close the complaint.

(iv) If cognizable offence is made out and if the second respondent proposes to register any FIR, the petitioners will be given due notice. So that the petitioners will have breathing to move the concerned Court for the relief of anticipatory bail.

3.While so, on 11.12.2021, certain developments had taken place. The petitioners allege that they were unlawfully taken by the contemnor namely, Mr.Saravanan, Inspector of Police, Devakottai Town Police Station to the station premise and detained from 12.00 pm on 11.12.2021 and released few hours later. They also allege that without any authority of law, the disputed premises were locked by the local Thasildar on the instructions of the Revenue Divisional Officer.

4.I directed Mr.Saravanan, Inspector of Police, Devakottai Town Police Station to be present in person. Later I also suo motu impleaded the concerned Thasildar and the Revenue Divisional Officer. I wanted to know if the Civil Court had passed any specific order authorizing the Revenue Divisional Officer to direct locking of the premises. The answer is in the negative.

5.At this stage, the learned Additional Advocate General informed the Court that since a huge crowd gathered on either side



and the petitioners requested the jurisdictional Thasildar, certain preventive measures were taken. He also would state that civil suit had been filed against the petitioners herein and injunction order has been granted in favour of the plaintiffs therein by the jurisdictional Civil Court. He therefore submitted that this contempt petition may be closed.

6.As rightly pointed out by the learned Additional Advocate General, O.S.No.196 of 2021 has been filed before the Sub Court, Devakottai. It is also not in dispute that an ex-parte order of injunction is operating against the petitioners herein from 10.08.2021. The petitioners herein thereafter filed counter seeking dismissal of the said interlocutory application and for vacating the same. It is also stated that the case is posted for enquiry today. The jurisdictional Civil Court is directed to hold enquiry in the matter. The parties would be at liberty to adduce oral as well as documentary evidence in support of their claim of possession. The Sub Court, Devakottai is directed to dispose of I.A.No.2 of 2021 on merits and in accordance with law on or before 23.12.2021. If necessary, enquiry in I.A.No.2 of 2021 may be taken up on a day to day basis. I make it clear that I have not at all gone into the controversy. The entire scope of the criminal original petition and the contempt petition was to safeguard the personal liberty of the petitioners herein. Mr.Saravanan, Inspector of Police, Devakottai Town Police Station assures the Court that he will not interfere in the pending civil dispute, unless specifically ordered by the jurisdictional Civil Court.

7.The contemnors are discharged and the contempt petition is closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

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 :

1 The Sub Judge,
Devakottai.



2.The Inspector of Police,
Devakottai Town Police Station,
Devakottai,
Sivagangai District.

3.The Thasildar,
Devakottai Taluk,
Sivagangai District.

4.The Revenue Divisional Officer,
Devakottai Taluk,
Sivagangai District.

Copy to:
The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai.

+3 CC to Mr.M.SHAKUL HAMEED, Advocate (SR-39135[F] dated 16/12/2021)

CONT.P.(MD)No.1898 of 2021

in

Cr1.O.P.(MD)No.19485 of 2021

16.12.2021

MK/16.12.2021/4P/9C