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Cont.Pet.No.1843 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2022

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THE HON-BLE MR.JUSTICE M.NIRMAL KUMAR

Contempt Petition No.1843 of 2022

Chinnappan M A

... Petitioner

vs.

Mr.Kumaran
The Inspector of Police
Anchetty Police Station
Krishangiri District

... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondent for her wilful disobeying the order passed in CrI.O.P.No.24533 of 2021 dated 03.02.2022.

For Petitioner : Mr.K.Nagarajan

For Respondent : Mr.L.Baskaran
Government Advocate (CrI. Side)

O R D E R

This contempt petition is filed for non-compliance of the order passed by this Court in CrI.O.P.No.24533 of 2021 dated 03.02.2022.



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2. In continuation to the earlier order passed by this Court on 20.09.2022.

“This petition has been filed for the reason that this Court by an order dated 03.02.2022 in Crl.O.P.No.24533 of 2021 directed the respondents 1 and 2 therein, to give adequate police protection to the petitioner, to cultivate the agricultural land in Survey No.214/1B, 214/3C, 214/5B, 214/6B situated at Anchatti, Denkanikottai Taluk, Krishnagiri District.

2. The grievance of the petitioner is that, despite a positive direction given by this Court, the 2nd respondent police had failed to give any police protection. Hence, he has filed the present Contempt Petition.

3. Mr.L.Baskaran, appearing for the respondent had failed a counter, informing that the 4th respondent/Madalai Muthu in Crl.O.P.No.24533 of 2021 had filed a Writ Petition in W.P.No.19300 of 2020 before this Court stating that the order in Crl.O.P.No.24533 of 2021 has been passed at the stage of admission that too without issuance of any notice to him. This Court in W.P.No.19300 of 2020 finding that the said Madalai Muthu was not heard, cancelled the settlement deed executed by the petitioner herein in favour of his son – John Britto vide document No.1964/2018, 1963/2018 and 1965/2018 dated 11.04.2018.



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4. It is seen that the said Madalai Muthu purchased the property in S.No.214/1B3C5B6B, measuring an extent of 0.27 cents along with the pathway, in Natrmapalayam Village, Denkanikottai Revenue Taluk, Krishnagiri District, from one John Britto/ son of the petitioner herein vide sale deed dated 17.08.2020, i.e., prior to the date of cancellation of the settlement deed. Hence, he had filed a Writ Petition and this Court finding violation of principles of natural justice and the said Madalai Muthu has not been given opportunity of personal hearing, set aside the order dated 06.10.2020, in respect of Madalai Muthu's right over the property in S.No.214/1B3C5B6B, measuring an extent of 0.27 cents, and remanded the matter back to the second respondent therein for fresh consideration and for passing orders, after giving opportunity to all the parties concerned.

5.Further, it is seen that the cancellation of right over the property is only to an extent of 0.27 cents in Natrampalayam Village, Denkanikottai Revenue Taluk, Krishnagiri District, and enjoyment of remaining portion of the properties is still vested with the petitioner. Since frequent disputes arose between the petitioner and the counter petitioner, a case in Crime No.49 of 2022 was filed against the petitioner and counter petitioner. Both the parties appeared before the RDO and informed that except the 0.27 cents of land, remaining land are in possession with the petitioner herein. Suppressing the same, he has filed the Contempt Petition.

6.Now, the learned counsel for the petitioner as well as the 2nd respondent/Inspector of Police unable to give further particulars



with regard to proceedings under Section 145 of Cr.P.C.,. In view of the same, this Court suo-moto directs the RDO, Hosur to furnish the details and particulars with regard to the enquiry conducted in Crime No.49 of 2022 and proceedings under Section 145 of Cr.P.C., and also furnish present status about the possession of lands in S.No.214/1B3C5B6B.

7.Post the matter on 17.10.2022 along with the report of the RDO, Hosur.”

3.Now, the Assistant Collector, Hosur had a filed Status Report which is as follows:

“I Saranya.R. W/o. Vignesh. S Hindu aged – 29 years serving as Assistant Collector Hosur do here by solemnly affirm and sincerely states as follows.

I am the Assistant Collector Hosur and I am well acquainted with the fact and circumstances of the case from the available records in my office and I am filling this affidavit / Status Report for myself.

I respectfully submit that the petitioner had filed this criminal original petition U/s 482 Cr.P.C in this Hon’ble Court with a prayer to direct the 1st respondent to give adequate police protection to cultivate his Agricultural lands S.No.214/1B3C5B6B of Natrampalayam village in Anchetty Taluk of Krishnagiri District considering his representation dated 21.09.2021 and pass



orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and thus render justice.

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This Hon'ble court by its order dated 03.02.2022 has disposed of the petition based on the assurance given by the additional public prosecutor that necessary police protection will be given to the petitioner to carry on his agricultural activities.

It is submitted that the petitioner has now filed this contempt petition with a prayer to punish the respondents for non-complying the order of Honourable court dated 03.02.2022.

It is submitted that the Criminal original petition came up for hearing on 20.09.2022 and this Hon'ble Court Suo moto directed the Revenue Divisional Officer, Hosur to furnish the details and particulars with regard to the enquiry conducted in Cr.No.49/2022 and proceedings U/s.145 Cr.P.C and also directed to furnish the present status report about the possession of the land S.No.214/1B3C5B6B of Natarapalayam Village, Anchetty Taluk.

It is submitted that Revenue Divisional Officer Hosur has already conducted enquiry U/s.145 Cr.P.C based on the report of the Inspector of Police in Cr.No.49/2022 dated 26.06.2022 of Anchetty Police Station and also passed orders in Na.Ka.3155/2022/B1, dated 07.10.2022.

It is submitted that one Thiru.John Britto has filed a Writ Petition No.15388/2020 in the Hon'ble High Court of Madras and Daughters of Chinnappan 1)Tmt.Amalorpavamary 2)Paripuram 3)Anthonyammal had filed Original Suit No.71/2020 in District Munsif Court Denkanikottai claimed equal



share from her father Thiru. Chinnappan property, Hence, after disposal of the said civil and writ petition filed before Hon'ble Courts, further course of action will be taken as per law. This respondent has acted as per law and passed the orders.

For the reasons stated above it is humbly prayed to this Hon'ble Court to accept this affidavit/Status Report and pass orders deem fit and proper in the circumstances of the case and thus render justice.”

4. Admittedly, there are petitions pending before this Court as well as in the Civil Court between Mr. John Britto/son of the petitioner and the petitioner herein. Added to it, Mr. Chinnapan's Daughters 1. Amalorpavamary 2. Paripuram 3. Anthonyammal filed a Civil Suit in O.S.No.71 of 2020 which is pending before District Munsif Court, Denkanikottai. The Revenue Divisional Officer in Na.Ka.No.3155/2022(B1) dated 07.10.2022, conducted enquiry and passed orders. In the report, it is found that the petitioner is arrayed as “A” party and his son Mr. John Britto and others arrayed as “B” party. In Section 145 Cr.P.C proceedings, “B” party is given right to use the common pathway, till the proceedings before the High Court and Civil Court reaches its logical end. The grievance of the petitioner is that due to the police protection by the respondent police, the formation of the road in 27 cents in the land of Mr. John Britto and the subsequent vendor Mr. Madalai Muthu was possible.



Otherwise, there was no road earlier and it was a cultivable land. Whatever may be the grievance, now the Writ Court as well as the Civil Courts are to adjudicate and decide the rights of the parties only on the outcome of these proceedings, the right of the parties can be determined.

5.In view of same, this Court is not inclined to pass any orders. Hence, the Contempt Petition is closed.

09.12.2022

Index : Yes/No
Internet : Yes/No
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To

1.The Inspector of Police
Anchetty Police Station
Krishangiri District.

2.The Public Prosecutor
High Court of Madras.
Chennai.



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M.NIRMAL KUMAR,J.

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