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Cont.P.No.2554 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21/11/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Contempt Petition No.2554 of 2022

a n d

Sub Application No.693 of 2022

C. Jayaseelan

...

Petitioner

Vs

1. Mr.Najmulhoda

The Commissioner of Police

Salem District

Salem.

2. Mr.Palraj

The Inspector of Police

Hasthampatti Police Station

Hasthampatti

Salem 7.

...

Respondents

Petition under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for their willful disobedience of the orders of this Court dated 25/8/2022 made in W.P.No.22335 of 2022.

For petitioner

...

Mr.A.Ilayaperumal

For respondents

...

Mr.Leonard Arul Joseph Selvam
Government Advocate

**ORDER**

This Contempt Petition has been filed to punish the respondents for their willful disobedience of the orders of this Court, dated 25/8/2022, made in W.P.No.22335 of 2022.

2. Vide, order, dated 25/8/2022, this Court had directed the respondents Police to consider the representation of the petitioner, dated 27/7/2022 and pass orders on merits.

3. A perusal of the materials available on record would indicate that a Suit in O.S.No.868 of 2002 has been filed, on the file of the I Additional District Munsif, Salem, by the petitioner's father Chinna Gounder against Chinnathambi Gounder for declaration and injunction. Vide, order, dated 15/2/2003, learned I Additional District Munsif, Salem has clearly recorded that both the plaintiff and defendant are jointly entitled to conduct the festivals of the temple and also for maintenance of the temple.

4. When the above said finding has been recorded by the Civil Court, now merely on the basis of some observation made in CrI.O.P., civil right cannot be decided and even after the decision of the Civil Court, if any of the parties is not obeying the orders of the Civil Court, it is well open to the petitioner to proceed against the defendant in the above suit for violating the Civil Court's judgment.



Therefore, this Court is of the view that by using the Police machinery, one cannot enforce the order of the Civil Court.

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5. In such a view of the matter, this Court do not find any merits in the Contempt Petition and the same is closed.

21/11/2022

mvs.



WEB COPY

4/4



Cont.P.No.2554 of 2022

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21/11/2022