



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2022

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**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

Cont.P. (MD)No.449 of 2022  
in  
C.M.P. (MD)No.3976 of 2018  
in  
A.S. (MD)No.67 of 2018

1.K.Mani Poosari

2.K.M.Sonnaimuthu Poosari ... Petitioners/Respondents/  
Respondents

**Vs.**

S.Anishsekar, I.A.S.,  
The District Collector,  
Government of Tamilnadu,  
Madurai District,  
Madurai.

... Contemnor/1<sup>st</sup> Petitioner/  
1<sup>st</sup> Appellant

**Prayer :** Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor/1<sup>st</sup> petitioner/1<sup>st</sup> appellant for having willfully and deliberately disobeyed the order of this Court dated 17.07.2018 passed in C.M.P.(MD)No.3976 of 2018 in A.S. (MD)No.67 of 2018 as per the provisions of the Contempt of Court Act.

**Prayer in CMP(MD) . 3976 of 2018 :**

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay of all further proceedings of the judgment and decree made in O.S.No.95 of 2015 on the file of the 6th additional District Court, Madurai dated 5.4.2017 pending disposal of the above second appeal and thus render justice.

**Prayer in AS(MD) . 67 of 2018 :**

This Appeal filed u/s.96 of CPC., preferred against the Judgment and Decree dated 5.4.2017 made in O.S.No.95 of 2013 on the file of the VI Additional District Court, Madurai.



For Petitioners : Mr.G.Prabhu Rajadurai,  
For Mr.M.Ponniah

For Respondent : Mr.Veerakathirava,  
Addl. Advocate General,  
Assisted by Mr.C.Satheesh,  
Government Advocate.

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**O R D E R**

This Contempt Petition has been filed by the petitioners who are the respondents in the Appeal Suit and the plaintiffs in the Original Suit in O.S.No.95 of 2015 on the file of the learned VI Additional District Court, Madurai.

2.The petitioners filed a suit for the relief of declaration and permanent injunction in respect of the suit property and the same was decreed as prayed for. The suit has been filed by the plaintiffs by alleging that the suit property is the ancestral property and they are in possession and enjoyment of the same. However, the respondent contested the suit that the suit property is the Government property allotted to the Forest Department. The trial Court accepted the possession of the petitioners and their claim over the suit property.

3.The contemnor/first appellant filed a petition to stay the operation of the decree after filing the Appeal Suit in A.S.(MD) No.67 of 2018 before this Court. In the said petition, the Hon'ble Division Bench passed an order to maintain status quo on 17.07.2018. On 16.08.2018, the interim order of status quo was allowed to continue.

4.Under said circumstances, the contemnor/first appellant has issued proceedings to the Executive Engineer, TNEB, Madurai North on 19.07.2021 and permitted him to enter into the suit property to put up a new additional power plant. It is submitted by the learned counsel for the petitioners that since the contemnor/first appellant issued proceedings dated 19.07.2021 in violation of the order of status quo, he filed this Contempt Petition to punish the contemnor/first appellant for having wilfully and deliberately disobeyed the order of this Court dated 17.07.2018 passed in C.M.P. (MD)No.3976 of 2018 in A.S.(MD)No.67 of 2018.

5.Before filing this petition, a notice was issued by the petitioners and that was received by the contemnor/first appellant.

6.When the Contempt Petition is posted today, the learned Additional Advocate General made his appearance on behalf of the



contemnor/first appellant and submitted that the impugned order was issued by the contemnor due to over-sight and the same was later rectified by proceedings of the District Collector, dated 27.04.2022.

7. On perusal of the proceedings of the contemnor/first appellant, dated 27.04.2022 in **ந.க.எண் : Na.Ka.No.20253/2021/ஒய் 1**, it is seen that the earlier proceedings dated 19.07.2021 was cancelled in obedience of the order of status quo already granted by this Court. So, the action of the contemnor/first appellant would show that there is no willful disobedience or deliberate violation of the order of status quo granted by this Court and the proceedings dated 19.07.2021 was issued only due to over-sight. Since genuine attempt is made to maintain the status quo in compliance of the order of this Court, I feel it is appropriate to drop the Contempt proceedings.

8. In the result, this Contempt proceedings are dropped and the Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1. The VI Additional District Judge,  
Madurai.
2. The District Collector,  
Government of Tamilnadu,  
Madurai District,  
Madurai.

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