



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cont. P(MD)No.1608 of 2021

in

W.P. (MD)No.18915 of 2017

Ramisha Beevi

... Petitioner/Petitioner

Vs.

M.Kalaivani,
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

... Respondent/Contemnor

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for the disobedience of the order dated 02.12.2020 passed in W.P(MD)No.18915 of 2017 on the file of this Court.

Prayer in WP(MD). 18915/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents 1 to 3 to give police protection to the life and limb of the petitioner and to enable her to put up compound wall enclosing and encircling the eastern open lane space in Door NO. 259 /26, Pallabachery West Street, Abiramam, Kamuthi Taluk, Ramanathapuram District.

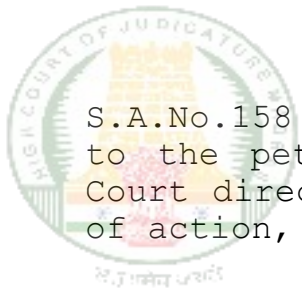
For Petitioner : Mr.T.R.Jeyapalam

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

O R D E R

This contempt petition has been filed to punish the respondent, for disobedience of the order passed by this court on 21.2.2021 in WP(MD)No. 18595 of 2017.

2.The learned Additional Public Prosecutor would submit that the complaint lodged by the petitioner for seeking police protection was enquired and closed on 02.07.2017. The petitioner sought for police protection, based on the Judgment and decree in



S.A.No.158 of 2017, to put up compound wall in the property belongs to the petitioner. However recording the said submissions, this Court directed the petitioner to lodge a fresh complaint on a cause of action, before the respondent police.

3.Again the accused persons prevented the petitioner from putting up compound wall and scolded him with filthy language and also attempted to attack him with weapon. Therefore, the petitioner lodged a complaint and the same has been registered in Crime No.77 of 2021, for the offence punishable under sections 294(b), 506(i) IPC and it is pending for investigation, on the file of the respondent police. Therefore, as directed by this Court, the petitioner lodged a fresh complaint with the fresh cause of action and the same has been registered by the respondent, as such, there is no contempt made out, as against the respondent.

4.Further, the petitioner lodged another complaint on 19.09.2021, seeking police protection, on the strength of the very same Judgment made in second appeal. The same was also enquired and closed. It is made clear that the petitioner seeking police protection, on the strength of Judgment and decree in S.A.No.158 of 2017, the police parties ought to have give police protection, to the petitioner's life and limb.

5.In view of the above, the petitioner is directed to lodge a representation on the strength of Judgment and decree in S.A.No.158 of 2017. It is also made clear that the petitioner filed a suit in OS No.56 of 2010, for declaration and survey the subject property and also for permanent injunction. The suit was decreed in her favour and confirmed in SA No.158 of 2017. Therefore, the respondent is directed to provide adequate police direction to the petitioner, on her representation to his life and limb, while putting up compound wall, on the strength of Civil Court decree.

6.Accordingly, this Contempt Petition is dismissed.

Sd/-

Assistant Registrar (A.D.II)

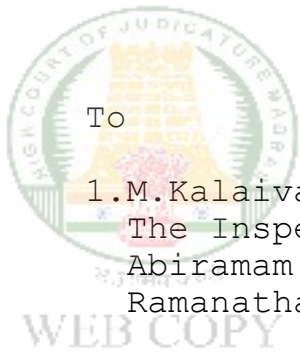
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/ /2022

Sub Assistant Registrar(CS)

PNM

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.M.Kalaivani,
The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.R.JEYAPALAM, Advocate (SR-11763[F] dated
14/03/2022)

Cont. P(MD)No.1608 of 2021
in
W.P. (MD)No.18915 of 2017
11.03.2022

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