



WEB COPY



Contempt Petition No.351 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Contempt Petition No.351 of 2023

K.Manivel

... Petitioner

Vs.

Ms.Kavitha,
The Inspector of Police,
Tiruchengode Rural Police station,
Tiruchengode,
Namakkal District.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, pleased to punish the respondent herein for willful disobedience and violating the order of this Court, dated 01.11.2022 made in Crl.O.P.No.26253 of 2022 and deal with them in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The contempt petition has been filed against the respondent for the willful disobedience of the order of this Court, dated 01.11.2022 made in Crl.O.P.No.26253 of 2022.

1/5



2. The learned counsel for the petitioner submitted that the paragraph No.5 of the said order, has not been complied.

3. The learned counsel for the petitioner submitted that the petition in CrI.O.P.No.26253 of 2022 has been filed in consequent to the order of this Court dated 29.06.2022 made in W.P.No.23430 of 2016. In the said Writ Petition, the Court had observed as follows:

“4. The petitioner claims that he is the absolute owner of the Well for which, he is seeking service connection. It is open to the son of the petitioner, who is the present owner of the land, even according to the petitioner, to apply for fresh service connection and satisfy the authorities regarding the ownership of the Well. If the authorities find that he is the absolute owner of the Well, they will have to comply with the application and grant service connection.”

4. However, the learned Additional Public Prosecutor appearing for the respondent submitted that the order, dated 01.11.2022 has not been



violated and only due to the reason that the ownership has not been asserted, further action could not been taken as contemplated in the order dated 29.06.2022 in W.P.No.23430 of 2016. The learned Additional Public Prosecutor submitted that according to the 5th respondent in the Criminal Original petition viz., S.Murugesan, he is the co-ower of the Well and the petitioner who could not prove that he was the owner of the Well, was not able to avail the benefit of the order dated 29.06.2022. Further the order dated 29.06.2022 is a conditional one and without complying the condition, the petitioner cannot file any contempt against the order.

5. The learned counsel for the petitioner also attracted the attention of this Court to the letter of the 4th respondent dated 30.09.2022 addressed to the third respondent for providing Police protection.

6. However, the letter of the 4th respondent cannot be construed as a decision taken by the 4th respondent. The order of this Court dated 29.06.2022 made in W.P.No.23430 of 2016 is clear to the effect that the authorities are required to comply the obligation only if they could find the



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absolute owner of the Well. Even in the order dated 01.11.2022 made in W.P.No.26253 of 2022, this Court had given a direction to consider the representation of the petitioner and do the needful in accordance with law. Since the merits of the claim of the petitioner is with regard to the absolute ownership of the well, that can be decided only by initiating some civil suit. The cause of action which would arise for civil suit would circumvent the contempt application.

7. With the above observation, this Contempt Petition stands closed.

No costs.

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vum

Index:yes/No

Speaking order / Non speaking order



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R.N.MANJULA,J.

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