



Contempt Petition No.399 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM:

THE HONOURABLE MS JUSTICE R.N.MANJULA

Contempt Petition No.399 of 2023
and Sub. Appl.No.108 of 2023

Shabheer Khan

... Petitioner

Vs.

1. N.Mohanraj,
Superintendent of Police,
Kallakurichi District.

2. Tamilvanan
Inspector of Police,
Ulundurpet Police Station,
Kallakurichi District.

3. Syed Mohamed Siddique

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, to punish the respondents herein for having committed contempt of Court by wilfully disobeying the order dated 21.11.2022 of this Court passed in Crl.O.P.No.28432 of 2022.

For Petitioner : Mr.M.J.Jaseem Mohamed

For Respondent : Mr.S.Vinoth kumar
Government Advocate



ORDER

This Contempt Petition has been filed by the petitioner who was arrayed as the 3rd respondent in Cr.O.P.No.28432 of 2022 against the respondents herein.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

3. The learned counsel for the petitioner submitted that in the order dated 21.11.2022 made in CrI.O.P.No.28432 of 2022, this Court had observed as follows:

“4. Since the third respondent is said to be causing disturbance to the petitioner's peaceful possession and enjoyment of the property, the petitioner is at liberty to file a suit against the third respondent for title, at least to safeguard his possession, if so advised. However, the respondent police shall do the needful if the concerned Government Authority who is responsible for surveying the land, gives request in this regard.

5. With the above observation, this Criminal Original



Petitioner is disposed.”

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3. The grievance of the petitioner is that the said order was not complied by the 3rd respondent. The respondents 1 and 2 have also acted even without getting any application from the concerned Government Authority for surveying the land.

4. Before advertng into the merits of the averments made by the learned counsel for the petitioner, it is to be noted that the order has been obtained by the 3rd respondent by being the petitioner in Crl.O.P.No.28432 of 2022.

5. If the 3rd respondent did not opt to file any civil suit in accordance with the order, dated 21.11.2022, as alleged by the petitioner that would give a cause of action for the petitioner for instituting any civil suit. However, the petitioner cannot circumvent the cause of action that might have arisen in his favour for initiating any civil or criminal action as a

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contempt petition against the respondents. Hence, this petition is not maintainable.

6. In the result, this Contempt Petition stands dismissed as not maintainable. It is made clear that the direction what ever given in the order, dated 21.11.2022 in Crl.O.P.No.28432 of 2022, is only an observation made so. Consequently connected sub application is closed.

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Index:yes/No

Speaking order / Non speaking order

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