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Cont.P.No.1987 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

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THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Contempt Petition No.1987 of 2022

T.Jayaraman

... Petitioner

Vs.

Govindasamy
Inspector of Police,
Nemili Police Station,
Nemili, Ranipet District

... Respondent

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondent under Contempt of Courts Act, 1971, for having committed the act of contempt of this Court's order dated 18.03.2022 in Crl.O.P.No.6108 of 2022.

For Petitioner : Mr.V.Nithyanandam

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER



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This petition has been filed seeking for contempt for non compliance of the order of this Court passed in Crl.O.P.No.6108 of 2022 dated 18.03.2022 in respect of filing of final report, whereby, this Court had directed the respondent herein to give adequate Police protection to the petitioner.

2. When the matter is taken up for hearing today, the respondent/ contemnor is present before this Court and he filed a detailed counter affidavit.

3. The learned Government Advocate (Crl.Side) submitted that the petitioner has filed a petition in Crl.O.P.No.6108 of 2022 seeking for police protection for his house building construction stating that the disturbance is being caused by the legal heirs of one Manivannan and during the enquiry, it was found that the said Manivannan died much earlier on 03.02.2020 even before filing of the direction petition in Crl.O.P.No.6108 of 2022. He further submitted that there are civil litigations pending between the legal heirs of the said Manivannan on one side and the petitioner on other side. Suppressing the same, the direction petition was filed. However, he



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submitted that the order was passed by this Court on 18.03.2022. The respondent was promoted and he was transferred to District Crime Branch, Nilgiris as Deputy Superintendent of Police and thereafter, the enquiry was conducted by one Senthil, Station House Officer, Nemili Police Station. He further submitted that finding that civil suits are pending between the parties, the parties were referred to approach the appropriate civil forum for redressing their grievances. He also submitted that the respondent seeks his unconditional apology for the delay that has been caused. The relevant portions of the affidavit is extracted hereunder:

“2. I respectfully submit that there is neither willful nor deliberate intention to disobey the orders of this Hon'ble Court. However, if the Court comes to the conclusion that contempt has been committed by me, I once again tender my unconditional apology before this Hon'ble Court.

3. I respectfully submit that I was working as Inspector of Police, Banavaram Circle [Incharge for Banavaram Police Station & Nemili Police Station], during the adjudication and passing of final orders in Cr1.0.P.No, 6108 of 2022, dated 18.03.2022 by this Hon'ble Court.



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Thereafter, I was transferred under Promotion on 10.05.2022 to the District Crime Branch, Nilgiris District as Deputy Superintendent of Police.

4. I respectfully submit that the petitioner in the above contempt petition has filed a direction petition before this Hon'ble Court in Cr1.0.P.No.6108 of 2022 seeking police protection for his house building construction stating the disturbance caused by one Manivannan, however, the said Manivannan died on 03.02.2020 even before the filing of Criminal Original Petition. When the matter came up for hearing on 18.03.2022, this Hon'ble Court passed an order as follows:

"2 When the matter is taken up for hearing, Mr. V.Meganathan, Learned Government Advocate [Cri. Side] appearing for the first respondent would submit that there appears to be a dispute between the petitioner and the second respondent and Civil Suit is also pending between the parties. He would further submit that summons would be issued to the parties and due enquiry would be conducted and if necessary, adequate police protection would be given to the petitioner."

5. I respectfully submit that based on the above order, on 18.10.2022, the Sub Inspector of Police has sent summons to both the petitioner and to one Prakash, S/o.Late



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Manivannan, for enquiry and both of them appeared before on 19.10-2022.

6. I respectfully submit that in the course of enquiry, the petitioner has given a written statement on 19.10.2022 that he is going to built shops, hence he will inform when he is going to start the work. Therefore, the petitioner sought protection only on his intimation regarding his starting of work. On the other hand, the said Prakash, S/o.Manivannan has given a written statement by stating his stand that the property in Survey No.196/2-16 cents land in Nedumpulli Village, Nemili Taluk belong to 30 persons jointly. Further, based on the registered documents he stated that the petitioner's father Tr. Thiruvengkadamudhaliarhas purchased the property by forging the documents. Based upon which, the petitioner has obtained a fake patta in Patta No.429. Further, the Counter Petitioner Tr. Prakash has stated that regarding the same property, O.S.No.33 of 2017 was pending before the District Munsif Court, Arakonam between the petitioner and counter petitioners. Apart from that, regarding the same property, a Second Appeal in S.A. No.338 of 2021 is pending before the Hon'ble High Court, Madras.

7. I respectfully submit that again on 25.11.2022, summons were served to the petitioner and to the said Prakash, S/o.Manivannan by Tr.A.Raj Kumar, Inspector of



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Police, Banavaram Circle [Incharge for Banavaram Police Station & Nemili Police Station], for enquiry.

8. I respectfully submit that on 28.11.2022, the petitioner given a written statement that his father Tr. Thiruvenkadam, S/o.Athimulam Mudhallar has purchased the property in Survey No.196/2 comprising 16 cents of land from one Tr.Kulanthaivelu Mudhaliar in the year of 1984 through Document No.450 of 1984, [SRO, Nemili]. Since then, they are in possession of land. Further stated that he along with his brother Tr.Natrajan have filed a Civil Suit in O.5.No.33 of 2017 for granting permanent injunction against the counter petitioner's father Tr.S.Manivannan before the District Munsif Court, Arakonam and the same was decreed in favour of the petitioner on 12.11.2019 by setting the defendant ex-parte.

9. I respectfully submit that on 28.11.2022, the counter petitioner Tr. Prakash has given a written Eatement reiterating his earlier statement given on 19.10.2022 stating Second Appeal No.338 of 2021 is pending before the Hon'ble High Court,Madras and stated that after the death of his father Tr.Manivannan, he has filed a respective applications to restore the Civil Suit in O.S.No.33 of 2017 and the same is pending before the District Munsif Court.

10. I respectfully submit that again on 29.11.2022,



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summons were served to petitioner and counter petitioner. Under such circumstances, on 30.11.2022, both the parties have appeared and given a statement reiterating the earlier versions regarding their claim. However, the petitioner stated that he is in possession of the land and he needs police protection. The counter petitioner stated that cases are pending before the courts of law, unless the cases are disposed, police protection should not be granted. The counter petitioner also stated that he has made a complaint to the Vigilance Department for granting of fake patta to the petitioner in Patta No.429. He also produced a document showing proceeding of the Vigilance Department in petition No.4295/2022/REV/RP, dated 13.04.2022, in which the matter was referred to District Collector, Ranipet for necessary action.

11. I respectfully submit that after conducting due enquiries, it is evident that both the petitioner and counter petitioner are agitating before the Police regarding their civil right. Further even after due enquiry, the petitioner has filed this Contempt Petition against the police. Therefore, with due respect and without any prejudice, in order to clarify the stand of the petitioner an enquiry notice has been served to the petitioner recently on 19.04.2023 by Sub Inspector of Police, Nemili Police Station. The petitioner appeared on 20.04.2023 and stated that he knew the cases



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pending in O.S.No.33 of 2017 on the file of the District Munsif Court, Arakonam and Second Appeal No.338 of 2021 on the file of the Hon'ble High Court, Madras. However, despite the pendency of the civil cases, he intended to start construction, which was prohibited. Therefore, he filed Cr1.O.P.No.6108 of 2022 for police protection to construct house and for not giving protection, he has filed this Contempt Petition.

12. I respectfully submit that based upon the detailed enquiries conducted and on perusal of documents, in compliance of the orders of this Hon'ble Court on 18.03.2022 in Cr1.O.P.No.6108 of 2022, it is clear that relating to the property in Survey No.196/2- 16 cents comprised in Nedumpuli Village, Nemili Taluk, Ranipet District a suit in O.S.No.33 of 2017 is pending before District Munsif Court, Arakonam and a Second Appeal in S.A.No.338 of 2021 on the file of this Hon'ble Court is pending. Hon'ble Court. Therefore, I humbly place before this Hon'ble Court that in compliance of the orders of this Hon'ble Court on 18.03.2022 in Cr1.O.P.No.6108 of 2022, the police have conducted due enquiries from the respective parties and it was informed that the matter is pending Sub-judice before the Civil Court and the Hon'ble High Court."



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4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent and perused the entire materials available on record.

5. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel on either side and that there are civil litigations pending between the parties, this Court is satisfied that no contempt has been committed by the respondent.

6. In view of the above, this Contempt Petition is disposed of.

07.07.2023

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To

1. The Inspector of Police,
Nemili Police Station,
Nemili, Ranipet District
2. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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