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Contempt Petition No.2521 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

**Contempt Petition No.2521 of 2022
in Crl.O.P.No.4133 of 2022**

Shanthamma

... Petitioner

Vs.

1.Mr.Saroj Kumar Thakur, I.P.S.,
The Superintendnet of Police,
Krishnagiri District,
Krishnagiri.

2.Mr.C.Ranganathan, I.A.S.,
The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
A.L.G.S.C. Collectorate,
Krishnagiri District,
Krishnagiri.

... Respondents

Contempt petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for violating the order passed by this Court in Crl.O.P.No.4133 of 2022 dated 22.02.2022.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Vinothkumar
Government Advocate(Criminal Side)



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ORDER

This Contempt Petition is filed seeking to punish the respondents for violating the order passed by this Court in Crl.O.P.No.4133 of 2022 dated 22.02.2022.

2. It is the case of the petitioner that one G.Nagarajan, who is the neighbouring land owner, had trespassed into the property of the petitioner and removed the barbed wire fencing on 08.11.2013. Immediately, the petitioner has filed O.S.No.73 of 2013 before the District Munsif Court, Hosur, and the same was decreed in her favour on 12.10.2015. Thereafter, the said Nagarajan had lodged a false complaint before the second respondent as against the petitioner and based on the said complaint, the second respondent had threatened and harassed the petitioner, which made her to approach this Court seeking for a direction not to harass and that this Court in Crl.O.P.No.4133 of 2022 vide order dated 22.02.2022 issued a direction to the respondents not to harass her. It is the further case of the petitioner that she had approached the second respondent and produced a copy of the order passed in Crl.O.P.No.4133 of 2022, however, inspite of



having knowledge about the order passed by this Court, the respondents had called her for enquiry and harassed. Hence, the present contempt petition.

3. The second respondent has filed a status report and the relevant paragraphs are as follows.

“2. I respectfully submit that in compliance to the guidelines specified in the order dated 22.02.2022 made in Crl.O.P.No.4133 of 2022 by this Hon'ble Court. This respondent issued the summons to the complainant Nagarajan and counter petitioner in C.No.06/H2/SP-Gri/ALGSC/KGI/2022, accordingly on 22.11.2022 the complainant Nagarajan appeared before this respondent and gave the hand written statement that only after the submission of documents by the Counter petitioner (petitioner herein), he came to know about the ex-parte decree and judgment dated 12.05.2015 made in O.S.No.73/2013 on the file of District Munsif Court, Hosur, which was allowed in favour of the counter petitioner(petitioner herein) with respect to disputed property, he also further stated that he had never received any court notices in the said suit. Now he would prefer suitable appeal against the said ex-parte judgment and decree dated 12.05.2015, thereby he would solve the dispute. Therefore, he requested this respondent not to take any action on his present complaint dated 12.01.2022 made against the counter petitioner/petitioner herein. Hence, this respondent had closed



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the current petition in C.No.06/H2/SP-Gri/ALGSC/KGI/2022 dated 12.01.2022.

3. I respectfully submit that in the complaint, the defacto complainant had stated that vide sale deed dated 26.03.1993 by its Doc.No.981/1993 he had purchased the plot Nos.17 and 18 situated in S.Nos.815/A1A, 815/1B and 815/A1C of land in the name of his wife Kowsalya and by sale deed dated 07.11.1994 its Doc.No.2135/1994 he had purchased the plot No.18/A in S.No.815/A1A to an extent of 0.13.0 Hec of land in his name, he was in continuous possession and enjoyment of the above property. In the year 2012 and 2013, when he was out of station the counter petitioner/petitioner herein who was the neighbour land owner trespassed the disputed land and started constructing the building, then the complainant along with local person have stopped the illegal construction of the counter petitioner/petitioner herein. Subsequently in the year 2018 and 2019, when the complainant gone to London for work and on his return he was shocked to see the building in his land, further due to Covid-19 he could not give any complaint.

4. I respectfully submit that on 10.01.2022 the complainant requested the petitioner to vacate his plot Nos.17, 18, 18/A, at that the petitioner had threatened, scolded and tried to attack the complainant with wooden logs, on returning from the place he gave the present complaint with the 1st respondent and forwarded to this respondent for the enquiry.



5. I respectfully submit that pending enquiry the counter petitioner/petitioner herein appeared, furnished her supporting documents and also the ex-parte decree and judgment dated 12.05.2015 made in O.S.No.73/2013 on the file of District Munsif Court, Hosur, allowed in favour of the petitioner herein with respect to disputed property. The documents furnished by the petitioner herein were informed to the complainant. Pending enquiry on current petition in C.No.06/H2/SP-Gri/ALGSC/KGI/2022 the petitioner has filed the above Crl.O.P.No.413 of 2022 before this Court and sought for not to harass the petitioner. This Hon'ble Court by its order dated 22.02.2022 issued certain guidelines to this respondent in enquiring the complaint against the petitioner. Accordingly, on 12.04.2022 issued summons to the complainant and petitioner herein, but both the parties were not appeared before this respondent.

6. I respectfully submit that subsequently on 22.11.2022 the complainant Nagarajan appeared before this respondent and gave the hand written statement that only after the submission of documents by the counter petitioner (petitioner herein) he came to know about the ex-parte decree and judgment dated 12.05.2015 made in O.S.No.73/2013 on the file of District Munsif Court, Hosur, which was allowed in favour of the counter petitioner (petitioner herein) with respect to disputed property, further he also stated that he had never received any Court notices in the said suit. Now he would prefer suitable appeal against the said ex-parte judgment and



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decree dated 12.05.2015, thereby he would solve the dispute. Therefore, he requested this respondent not to take any action on his present complaint dated 12.01.2022 made against the petitioner. Hence, I had closed the current petition in C.No.06/H2/SP-Gri/ALGSC/KGI/2022 dated 12.01.2022 and the same was served directly to the petitioner/Shanthamma on 06.04.2022 and obtained acknowledgement from her.

7. I respectfully submit that this respondent had issued the summons to both the parties in compliance to the order of this Hon'ble Court. Other than that this respondent did not harass the petitioner herein and further the contentions of the petitioner in the above petition regarding harassment are specifically denied as incorrect. I have no intention of disobeying the order of this Hon'ble Court at any point of time, much less willfully. Further, the complainant Nagarajan after perusing the ex-parte decree and judgment dated 12.05.2015 made in O.S.No.73/2013, he had come forward and withdrawn his complaint. Subsequently, this respondent had also closed the current petition. Therefore, this Hon'ble Court may be pleased to dismiss the present contempt petition.”

4. The learned Government Advocate (Criminal side) appearing for the respondents is also present before the Court.



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5. The learned Government Advocate (Criminal Side) appearing for the respondents would submit that one Nagarajan made a complaint that the petitioner and her men trespassed into the property and the same was taken on the file of second respondent as C.No.06/H2/SP-Gri/ALGSC/KGI/2022 dated 12.01.2022 and an enquiry was also conducted by the second respondent. On enquiry, it revealed that in respect of the disputed property, the petitioner had obtained an ex-parte decree in O.S.No.73 of 2013 before the District Munsif, Hosur, by judgment and decree dated 12.05.2015 and has also submitted the documents at the time of enquiry. After enquiry, as the second respondent has directed the complainant to approach the Civil Court to resolve the dispute, he has withdrawn the complaint. He would further submit that other than summoning the petitioner for enquiry, the second respondent has not harassed the petitioner nor done any act of contempt and prayed that the contempt petition may be closed.

6. From the status report filed by the second respondent it is clear that the second respondent has summoned the petitioner only on the basis of



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the complaint given by Nagarajan and on enquiry, the second respondent found that it is only a civil dispute between the parties and therefore, directed them to approach the civil Court .

7. This Court does not find any act of contempt of Court having been committed by the respondents and accordingly, the contempt petition is closed.

14.07.2023

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A.D.JAGADISH CHANDIRA,J.
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