



WEB COPY



Cont.P.No.2626 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE R.SURESH KUMAR

**Cont.P.No.2626 of 2023
in
W.P.No.3281 of 2021**

N.S.Venkatesan ... Petitioner

-Vs-

N.M.Thiyagarajan ... Respondent

PRAYER : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order of this Court dated 30.01.2023 in W.P.No.3281 of 2021.

For Petitioner : Mr.M.N.Kathir
for Mr.G.Pavendhan

For Respondent : Mr.N.S.Sivakumar

ORDER

This contempt petition has been filed for the alleged disobedience of the order of this Court dated 30.01.2023, where the following direction has been given:



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"17. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ *That the impugned order is set aside and as a sequel, there shall be a direction to the parties herein to await the orders by way of judgment and decree to be passed by the Civil Court in the pending suit, where it is open to the petitioner as well as the fourth respondent to let in evidence to establish their case and ultimately the Civil Court can come to a conclusion either in favour of the fourth respondent or in favour of the petitioner.*
- ◆ *It is needless to mention that parties to abide by the Civil Court decree. Till such time, the property in question shall stand in the name of the petitioner's father or the petitioner since the petitioner's father is no more and that position shall be restored by the respondents Revenue Authorities within a period of four(4) weeks from the date of receipt of a copy of this order.*

With these directions, this writ petition is disposed of.

No costs. Connected miscellaneous petitions are closed."

2. Today when the contempt petition is taken up for hearing, it has been admitted by the learned counsel appearing for the petitioner that the order of this Court as directed by this Court has been complied with by the officials



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concerned who are the respondents in the writ petition.

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3. After the patta has been restored in the name of the writ petitioner, who is the respondent in this contempt petition, he cut down the standing tress in the property, that is the contempt according to the petitioner herein, therefore the contempt petition has been filed.

4. I am afraid to hear this kind of argument before this Court because the order passed by this Court has already been complied with by the official respondents in the writ petition, thereafter if there has been any *inter se* dispute with regard to the interference of the possession etc., between the private parties as both are claiming ownership of the property in question, for which a civil suit already is pending, it is purely a civil dispute, sometime may be a criminal action is required, for which the remedy is elsewhere for the petitioner herein and not filing the contempt petition like the present petition.

5. For the aforestated reason, the contempt petition is liable to be closed, accordingly, it is closed.

22.11.2023



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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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R.SURESH KUMAR, J.

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