



Cont.P.No.2952 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

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

Contempt Petition No.2952 of 2023

Palanisamy

... Petitioner

Vs.

1. Mr.N.Stephen Jesubatham IPS,
The Superintendent of Police,
Dharmapuri District,
Dharmapuri – 5.
2. Mrs.Mahalakshmi,
The Deputy Superintendent of Police,
Pennagaram Police Sub-Division,
Pennagaram – 636 810,
Dharmapuri District.
3. Mr.Yuvaraj,
The Inspector of Police,
Eriyur Police Station,
Eriyur, Pennagaram Taluk,
Dharmapuri District.
4. Mr.Balasubramani,



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The Sub-Inspector of Police,
Perumbalai Police Station,
Perumbalai – 636 811,
Pennagaram Taluk,
Dharmapuri District.

5. Mr.Showkath Ali
The Tasildhar,
Pennagaram Taluk,
Pennagaram – 636 810,
Dharmapuri District.

... Respondents

PRAYER : Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, pleased to punish the respondents for the disobediences of this High Court order dated 13.04.2022 made in W.P.No.9127 of 2022.

For Petitioner : Mr.S.Sasikumar
For R1 to R4 : Mr.S.Udayakumar
Government Advocate (Crl.Side)
For R5 : Mr.S.Yashwanth
Additional Government Pleader

ORDER

This petition has been filed seeking to punish the respondents in the provisions of Contempt of Court for their wilful disobedience of the order passed by this Court in W.P.No.9127 of 2022 vide order dated 13.04.2022.

2. Learned counsel for the petitioner submitted that the petitioner



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had filed a writ petition seeking a direction to the respondents 1 to 4 to provide adequate police protection to the petitioner for survey and fence his agriculture lands in Survey No.168/C4B situated at Kavakkadu, Kendaiyanahalli Village, Pennagaram Taluk, Dharmapuri District, based on his application dated 17.11.2021. He further submitted that when the matter was listed for hearing on 13.04.2022, on the undertaking given by the learned Additional Public Prosecutor that if the petitioner fixes a date for survey with the revenue officials and intimate to the respondents and adjacent land owners, due enquiry would be conducted and appropriate protection will be given, this Court had disposed of the writ petition. However, despite several oral representations given to the respondents, the respondents have not taken any action and therefore, the order of this Court has not been complied with, which amounts to contempt of Court.

3. In reply, the learned Government Advocate (Crl.Side) submitted that when the matter was listed on 13.04.2022, this Court had disposed the writ petition filed by the petitioner on the undertaking given by the learned Additional Public Prosecutor that if the petitioner fixes a date for survey with the revenue officials and intimate to the respondents and adjacent land



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owners, due enquiry would be conducted and appropriate protection will be given. However, till date, the petitioner has not applied to the revenue officials and no date has been fixed by the revenue authorities for survey and therefore, in such circumstances, there is no question of giving protection and no contempt has been committed. He also submitted that the petitioner has filed this petition only to harass the officials.

4. Heard both sides and perused the materials available on record.

5. It is the case of the petitioner that this Court had disposed the writ petition in W.P.No.9127 of 2022 filed by the petitioner on the undertaking given by the learned Additional Public Prosecutor that if the petitioner fixes a date for survey with the revenue officials and intimate to the respondents and adjacent land owners, due enquiry would be conducted and appropriate protection will be given. However, now it is reported that the petitioner has only made an oral representation and no date has been fixed by the revenue officials concerned for conducting survey and in such circumstances, there is no question of giving police protection. Further, the petitioner has approached the Court even prior to fixing a date for survey.



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Thereby, this Court finds no case for committing contempt of Court.

6. Accordingly, this Contempt Petition stands closed.

20.12.2023

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To

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri – 5.
2. The Deputy Superintendent of Police,
Pennagaram Police Sub-Division,
Pennagaram – 636 810,
Dharmapuri District.
3. The Inspector of Police,
Eriyur Police Station,
Eriyur, Pennagaram Taluk,
Dharmapuri District.
4. The Sub-Inspector of Police,
Perumbalai Police Station,
Perumbalai – 636 811,
Pennagaram Taluk,
Dharmapuri District.
5. The Tasildhar,
Pennagaram Taluk,
Pennagaram – 636 810,
Dharmapuri District.
6. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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