



Cont.P(MD)No.668 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Cont.P(MD)No.668 of 2023

A.Basheer Mohamed

... Petitioner

Vs.

1.Raghavi,
The Deputy Superintendent of Police,
Pudukkottai District, Pudukkottai.

2.Beer Mohamed

... Respondents

PRAYER :-

Contempt Petition filed under Section 11 of the Contempt of Courts Act, praying this Court to punish the respondents herein for the willful and wanton disobedience of the order passed by this Court in W.P.(MD).No.26385 of 2022 dated 23.11.2022.

For Petitioner : Mr.S.Sankarapandian
for C.ArulVadivel Associates

For Respondents : Mr.N.Muthuvijayan
Special Government Pleader



ORDER

Contempt petition may not lie in the nature of the order passed in the writ petition. The order passed in the writ petition is as follows:

"6. Considering the facts and circumstances of the case and also considering the age of the petitioner, this Court directs the third respondent to pay the arrear amount of Rs.1,36,500/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order and to pay the monthly maintenance of Rs.1,000/- per month to the petitioner on or before the 5th day of every English calendar month, failing which necessary criminal proceedings will be initiated against the third respondent. If the third respondent failed to pay the arrears due within the time stipulated by this Court, the second respondent shall recover the same by initiating proceedings under the provisions of the Revenue Recovery Act."

2. Learned judge has stated two aspects :

i) that on failure to pay the maintenance amount, necessary criminal proceedings will be initiated. The criminal proceedings can be initiated only by the person aggrieved and that is the person who should receive the maintenance amount and who has not received it. Necessary complaint will have to be given to the jurisdictional police who, if a cognizable offence is made out, can register a First Information Report and the matter will have to proceed in the



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manner known to law. I am informed that a police complaint had been given and therefore that addresses the first issue.

ii) The provisions of the Revenue Recovery Act should be initiated for failure to pay the arrears.

3. It is specifically stated by the learned Special Government Pleader that there are no properties and further the maintenance is a personal claim against one individual against the other. If that be so, then the procedure for recovery of the same would be to proceed against the property if any and bring it to sale for the said amount. But the applicability of the Revenue Recovery Act itself is under question. There must be a debt due to the Government for initiating proceedings against the Revenue Recovery Act. In view of the above, contempt petition may not be the answer to put into effect the order in the writ petition.

4. Contempt Petition stands closed. No costs.

23.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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C.V.KARTHIKEYAN, J.

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To

The Deputy Superintendent of Police, Pudukkottai District, Pudukkottai.

ORDER
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