



Cont.P(MD)No.757 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN  
and  
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**Cont.P(MD)No.757 of 2023  
in  
W.P(MD)No.22860 of 2021**

S.Samuel Durai

... Petitioner/Petitioner

-VS-

1.Mrs.Nishanthini,  
The Revenue Tashildar,  
O/o.TheTahsildar Office,  
Ottapidaram Taluk,  
Thoothukudi District.

2.Mr.Shanmugam,  
The Inspector of Police,  
Puthiyamputhur Police Station,  
Puthiyamputhur,  
Thoothukudi District.

3.Mrs.Latha,  
The Assistant Divisional Engineer  
Construction and Maintenance,  
Ottapidaram,  
Thoothukudi District.

... Contemnors/Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act,  
1971, to initiate contempt proceedings against the respondent herein for



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their willful disobedience to implement the order passed by this Court in W.P(MD)No.22860 of 2021 dated 28.10.2022 and punish the respondents.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.S.P.Maharajan,  
Special Government Pleader

### **ORDER**

**[Order of the Court was made by R.SUBRAMANIAN, J.]**

Alleging disobedience of the orders of this Court, dated 28.10.2022 made in W.P(MD)No.22860 of 2021, this contempt petition is filed.

2. A Perusal of the papers filed in the contempt petition demonstrate that the petitioner in this contempt petition is guilty of suppression of material facts, which had led this Court passing conflicting orders. By an order dated 22.02.2022 made in W.P(MD)No.1500 of 2021, filed at the instance of one T.Jeyakumari, this Court had held that since the said Jeyakumari has been favoured with a decree by the civil Court in O.S.No.411 of 2015 and the appeal against the said decree is pending, the parties will have to necessarily abide by the decision of the civil Court. Paragraph Nos.4 and 5 of the said order read as follows:



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*“4. On perusal of the judgment and decree passed in O.S.No.411 of 2015, the petitioner and the respondents are the parties to the said suit and the said suit was duly contested by them. After contesting, the suit was decreed in favour of the petitioner by the judgment and decree dated 23.06.2020. So far, the respondents did not file any appeal as against the judgment and decree in the suit filed by the petitioner. Though the land premises in Survey No.25/11 is classified as 'Government Poromboke' now on the strength of the judgment and decree passed by the Civil Court, the petitioner claims over the property. However, the said decree was not brought to the knowledge of the second respondent while passing the impugned order.*

*5. In view of the above, the order impugned in the writ petition is set aside and the writ petition is allowed. The respondents 1 to 3 are at liberty to take appropriate action as against the petitioner, if they are succeeded in the appeal suit as against the judgment and decree passed in favour of the petitioner. There shall be no order as to costs.”*

3. However, the sixth respondent in the said writ petition Mr.S.Samuel Durai, the petitioner herein had suppressing the orders of this Court in W.P(MD)No.1500 of 2021, launched another writ petition in W.P(MD)No.22860 of 2021. Without making the said Jeyakumari a party to the said writ petition, he has obtained a direction from the Division Bench to remove the encroachment and has also filed the present contempt petition. Section 14 of the Contempt of Courts Act, 1971, empowers this Court, to take action against the persons who by suppression of facts interfere with the administration of justice. This



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action of the petitioner in suppressing the earlier orders and obtaining a direction from this Court that too without adding the encroacher as a party to the writ petition, in our considered opinion has grave concern and it caused interference with the course of justice. We therefore, deem it fit to issue *suo motu* contempt notice on the petitioner in this contempt petition requiring him to explain his conduct.

4. Registry is directed to issue *suo motu* contempt notice, returnable by 18.07.2023, requiring the appearance of the petitioner in the contempt petition.

5. This Contempt Petition is dismissed since we find that the order of which, the disobedience is complained of, has been obtained by suppression of material facts. The appearance of the respondents is dispensed with.

**[R.S.M., J.]**

**[L.V.G., J.]**

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NCC : Yes/No

Index : Yes/No

PM



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**R.SUBRAMANIAN, J.**  
**and**  
**L.VICTORIA GOWRI, J.**

pm

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