



Cont.P(MD). No.1894 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

Cont.P(MD)No.1894 of 2022

N.Mihraj Beevi

... Petitioner / Petitioner

Vs

**Shanmugasundaram
The Inspector of Police,
Vasudevanallur Police Station,
Vasudevanallur,
Tenkasi District.**

... Respondent/Complainant

Prayer: This Contempt Petition is filed under Section 11 of the Contempt of Courts Act, for his willful disobedience of the order passed by this Court in CrI.O.P(MD)No.1080 of 2021 dated 02.08.2021.

For Petitioner : M/s.S.Hajamohideen Gisthi

**For Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor**



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ORDER

The original order was passed on 05.03.2021, directing the contemnor herein to dispose the representation that was made by this petitioner by conducting an enquiry. Notice was also ordered to be issued to the private respondents 2 and 3 in this matter. Apart from that he was directed to provide appropriate police protection, if any necessity arise, for the purpose of measuring the property in Survey No. 939/2B1A1. The matter was ordered to be listed for reporting compliance. On that score it was listed before this Court.

2. At that time of hearing, the learned Additional Public Prosecutor had submitted that no complaint was given by the surveyor seeking police protection for measuring the property. But however, since a direction was already issued, the respondent was directed to comply the above said order. It is also further observed that the order may be complied, if any complaint is given by the surveyor seeking police protection. With the above said direction that petition was closed.



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3. Now, not satisfied with the above said compliance, this contempt petition has been filed. The learned Additional Public Prosecutor was required to file status report and counter affidavit also. Counter affidavit has been filed, stating that for the purpose of enquiry, both the parties were called for and on 17.03.2020. Since they did not cooperate, summons was issued to appear on 20.02.2021 and on 21.02.2021, both the parties appeared. One Shah Ismail appeared on behalf of the private respondents and stated that a suit in O.S.No.21 of 2021 regarding the above said land is pending before the Sub Court, Sankarankovil. Later, the property in S.No.939/2B1A1 belongs to this petitioner's father was measured in pursuant of the order passed by the District Collector and so far, the property in Survey No.940/1B1 situated in Naranapuram Village is concerned, objections were made stating that the subject matter of the above said suit should not be measured. On that account, they could not undertake the measuring process, in respect of the Survey No.940/1B1.

4. The plaint copy in O.S.No.21 of 2021 is also produced, wherein it is seen that the objector namely Shah Ismail has filed a suit against the



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father of the petitioner namely Asan Mohammed and one Ramaiah. In the plaint, the schedule 2nd item is mentioned as Survey No.941/1B and 1st item is mentioned as Survey No.940 /1B which is the subject matter of the present petition. Since a suit is already pending between the objector and the father of the petitioner, they have to work out remedy in the above said suit itself. The private respondents who were mentioned as Rahamathulla and Khaja are no way connected with the above said issue, which is pending between the objector and the father of this petitioner. I find no further discussion is required for consideration.

5. With the above direction, this contempt petition stands closed.

(G I J)
17.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Inspector of Police, Vasudevanallur Police Station,
Vasudevanallur, Tenkasi District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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