



A.No.808 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2024

CORAM : JUSTICE A.A.NAKKIRAN

A.No.808 of 2024
in
O.A. No.547 of 2015
in
C.S.No.422 of 2015

1.The Chrome Leather Company Company Limited,
Having its registered office at:
7, Works Road, Chromepet,
Chennai 600 044.
Represented by its Vice-President/
Authorised Representative Mr.G.Vairakumar

2.Sri Lakshmi Ammal Educational Trust,
Having its registered office at:
29, Tilak Street, T. Nagar, Chennai 600 017.
Represented by its trustee
Mr. J. Sundeep Anand,

3.Bharath Institute of Higher Education and Research,
(Bharath University) Deemed to be University,
Having its registered office at:
No.25, Mahalingam Street,
Mahalingapuram, Chennai 600 034.
Represented by its Registrar,
Mr.Bhoominathan

... Applicants/Plaintiffs

..Vs.

Quentin Dawson,

...Respondent/Defendants



A.No.808 of 2024

WEB COPY

Prayer: Application under Order XIV Rule 8 of the High Court Original Side r/w Order XXXIX Rule 2-A of CPC, praying to punish the Respondent in accordance with law for the wilful disobedience of the interim orders of this Hon'ble Court dated 21-05-2015 and 22-07-2015 in O.A.547 of 2015 in C.S.422 of 2015 and pass further orders accordingly.

For Applicants/Plaintiffs : Mr. K. Suresh

For Respondent/Defendant : Mr.E.J. Ayyappan

ORDER

This application has been filed to punish the Respondent in accordance with law for the wilful disobedience of the interim orders of this Hon'ble Court dated 21-05-2015 and 22-07-2015 in O.A.547 of 2015 in C.S.422 of 2015 and pass further orders accordingly.

2. The learned counsel for the applicant submits that the main suit has been filed for damages and also for the relief of permanent injunction restraining the respondent from making any representations, complaints or communication in any manner slandering of title of the plaintiffs' property to any public authority. Thereafter, O.A.547 of 2015 has been



A.No.808 of 2024

filed seeking for temporary injunction against the respondent. This Court by order dated 21-05-2015 granted an interim injunction for a period of three weeks till 11/06/2015 and by order dated 22.07.2015, made absolute the interim injunction. While being so, in this regard, the respondent has not filed any appeal as against the orders passed in O.A.547 of 2015 in CS.422 of 2015.

3. It has been further submitted that while the Interim Injunction is in active, the respondent herein has made several communications to the Revenue Divisional Officer, Tambaram by claiming title to the properties in S.F.No.520/1,2 and 521 of Zamin Pallavaram village, Pallavaram Taluk on 04- 06-2018 and on 24-04-2019 and also sought for cancellation of Patta. Based on the representation made by the respondent, the R.D.O has cancelled the patta standing in the name of the 1st Applicant illegally by virtue of his order dated 12-07-2019. Only upon perusal of the order of the RDO dated 12-07-2019, the applicants came to know about the representations and communication of the Respondent herein.



A.No.808 of 2024

WEB COPY

4.The learned counsel for the applicants that after coming to know the order passed by the RDO, Tambaram, in the month of June 2020, the applicants filed Writ Petition in W.P.9595 of 2020 challenging the order of the RDO dated 12-07-2019. After hearing the aforesaid writ petition, this Court passed the order dated 24.08.2020 by allowing the same after setting aside the RDO order. Being aggrieved by the aforesaid order, the Respondent filed W.A.177 of 2021 and the same is pending before this Hon'ble Court.

5.It has been further submitted that it reveals that the respondent made two representations dated 04-06-2018 and 24-04-2019, requesting the local authorities to cancel the Patta stands in the name of the 1st applicant which is ordered by RDO, Tambaram. It is violation of the interim orders passed by this Court. Hence, he prays to punish the respondent in accordance with law for the Wilful disobedience of the interim orders passed by this Court.



A.No.808 of 2024

WEB COPY

6.The learned counsel for the respondent submits that the Plaintiffs have filed the present application without proving their title to the suit schedule mentioned properties claiming that their title has been slandered. Without proving their title in the suit, only on assumptions and presumptions with regard to a non-existent title will not help the Plaintiffs to sustain this application and suit.

7.It has been further submitted that the interim injunction granted on 21-05- 2015 in favour of the Applicants/Plaintiffs based on the relief of restraining the Respondent from making any representations, complaints or communication in any manner slandering of title of the Plaintiff's property to any public authority.

8. The learned counsel for the respondent further submits that a bona-fide assertion of the defendant's title to the property, however mistaken, if made for the protection of one's own interest or some other right purpose is not malicious. In such circumstances, no action will lie in a case where there is no malice.



A.No.808 of 2024

WEB COPY

9. It has been further submitted that there is no averment at all in any part of the Applicant's affidavit complaining that the respondent has made false and malicious statements with an intent to slander the title to the properties alleged to be owned by the Applicants/Plaintiffs. Further, when the Interim Injunction is confined to the slander of title of the Applicant's property alone, the sending of representations, complaints and communications however mistaken, but made only for the protection of the Respondent's own interest or some other right purpose is certainly not malicious and it would not amount to any violation or disobedience of an order of injunction as passed in this case. Hence, he seeks to dismiss the aforesaid application with costs.

10. Heard both sides and perused the material available on record.

11. On perusal of the records, it is seen that this Court by order dated 21.05.2015 passed an interim injunction for a period of three weeks till 11.06.2015 from making any representations, complaints, or communication, in any manner slandering of the title of the



A.No.808 of 2024

WEB COPY

applicants/plaintiffs. Thereafter, the aforesaid order has been made absolute by virtue of the order dated 22.07.2015 which is in force till date. Under such circumstances, the respondent has made two representations to the RDO, Tambaram on 04.06.2018 and 24.04.2019. Based on the aforesaid representations, the RDO passed an order against the applicant in Na.Ka. No.705/2018/A dated 12.07.2019. After coming to know the aforesaid order dated 12.07.2019, the 1st applicant filed W.P. No.9595 of 2020 challenging the aforesaid order passed by the RDO. This Court by order dated 24.08.2020 allowed the same by setting aside the order dated 12.07.2019 passed by the RDO wherein it has been observed as follow:

“10. A careful perusal of the entire documents filed by the petitioner shows that the petitioner became the owner of the property in the year 1944 by virtue of a registered Sale Deed dated 14.03.1944. Right through, the Patta stood in the name of the petitioner with respect to the subject property. Even the earliest Patta that was issued in Patta No.563 stands in the name of the petitioner Company. The position continues and the same is seen from a copy of the Town Survey Field Register issued by the Pallavaram Municipality in the name of the petitioner for SF.No.520/1, 520/2 and 521.”



A.No.808 of 2024

WEB COPY

Aggrieved by the aforesaid order, the respondent has filed W.A. No.177 of 2021 which is still pending before this Court.

12.Having considered the aforesaid aspects and observation made by this Court in W.P. No.9595 of 2020, it is seen that the survey Nos.520/1, 520/2 and 521 are mentioned in the interim order dated 21.05.2015 and thereafter it is made absolute on 22.07.2015 by this Court which is still in force. While being so, the respondent has submitted two representations dated 04.06.2018 and 24.04.2019 to RDO relating to the aforesaid Survey nos. which shows disobedience of the respondent in complying the interim order passed by this Court and as he has violated the interim order, it is punishable in accordance with law.

13. In view of the above, the Application is allowed. The respondent is hereby directed to appear before this Court on 27.11.2024.

.11.2024

Index: Yes/No
Speaking/Non-speaking Order

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WEB COPY



A.No.808 of 2024

A.A.NAKKIRAN,J

Lbm

A.No.808 of 2024

in

O.A. No.547 of 2015

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26.11.2024