



WEB COPY



Cont.P.No.905 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Cont.P.No.905 of 2023

Suresh

... Petitioner

Vs.

1. Subramani,
The Inspector of Police,
S-4, Nanthampakkam Police Station,
Chennai-116.

2. R.Selvam ... Respondent
(impleaded as Proposed 2nd respondent
as per the Order of this Hon'ble Court
made in Sub Application No.931 of 2023
in Cont.P.No.905 of 2023, dated 04.07.2024)

Prayer: Contempt Petition is filed under Sections 11 and 12 of the Contempt Court Act, to punish the respondent herein for willfully disobeying and violating the order of this Court ordered Crl.OP.No.28433 of 2022 dated 20.12.2022.

For Petitioner : Mr.K.Gandhi

For Respondents : Mr.K.M.D.Muhilan for R1,
Government Advocate (Crl.Side)

Service awaited for R2

ORDER



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WEB COPY This contempt petition is filed on the premise that the order of this Court directing the police to give protection for removal of the articles not been complied with.

2. The learned Government Advocate (Crl.Side) submits that it is a landlord tenant dispute. The petitioner who is the tenant alleged to have been forcibly evicted by the land lord and the premises is kept under lock and key. The petitioner has instituted a suit for injunction not to be evicted without following the due process of law.

3. The application filed by this petitioner seeking police protection was considered by this Court in Crl.OP.No.28433 of 2022 on 20.12.2022 and the order was passed to give protection to the petitioner to provide police aid and protection to the petitioner, his property at Door.No.13 Dr.Ambedkar Main Road, Manapakkam. The police is accordingly accompanied with the petitioner herein to the said door number, but, it was found that the premises found by the petitioner is D.No.23 and the landlord has objected the petitioner from removing the articles inside the premises citing rental arrears and other complaints. Therefore, the police



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was not able to provide police aid for removal of the machineries and materials kept inside the premises.

4. In the said circumstances, this Court thought fit that the respondent/landlord should also be impleaded in this petition to know the the reasons, why the petitioner is not permitted to take the material. Hence, sub application to implead the landlord was filed and the same was allowed.

5. Notice was taken by the petitioner herein and the proof of service not filed .

6. Considering the facts which has been narrated above, this Court finds that the second respondent ought to have heard before passing order of directing police aid. However, from the records, this Court finds that though the landlord been made as a party in the writ petition, there is no indication that the second respondent was put to notice before passing the order on 20.12.2024. In the said circumstances, this Court finds there is no ground to entertain this contempt petition. Hence, this contempt petition is closed. Reserving the right of the petitioner herein to work out



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his remedy under appropriate law before the appropriate forum.

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Vv

Dr.G.JAYACHANDRAN,J.

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