



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Petition No.2524 of 2023
in CrI.OP.No.1123 of 2023

1.M.Revathi

2.M.Vinoth

3.M.Jagan

.. Petitioners/Petitioners

vs.

1.Mr.Devadoss

The Sub Inspector of Police
Anaicut Police Station
Maduranthagam Zone
Chengalpattu District.

2.Mr.Perumal

The Tahsildar
Cheyyoor Village
Chengalpattu District.

3.Mr.Prakash

The Taluk Surveyor
Cheyyor Taluk Office
Chengalpattu District.

4.Mr.G.Prabhakaran

.. Respondents

**(Second and third respondents deleted as per order
of the Court dt.11.1.2024 in Cont.P.No.2524 of 2023)**

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents 1 to 4 for willful disobedience and contempt of the order of this Court passed in above CrI.OP.No.1123 of 2023, dated 19.7.2023.



For Petitioners : Mr.T.K.S.Gandhi
For Respondents : Mr.T.R.Rajagopalan
Senior Counsel
for Mr.S.T.Bharath Gowtham
for R4

Mr.A.Gopinath
Government Advocate (Crl.Side)
for R1

ORDER

This contempt petition was filed on the ground that the order passed by this Court in Crl.OP.No.1123 of 2023, dated 19.7.2023 was not complied with by the respondent police.

2.This Court disposed of the criminal original petition by taking note of the fact that the civil dispute between the parties had ultimately ended in S.A.No.276 of 2010, before this Court through judgment dated 30.3.2022. In the suit that was filed by the father of the 5th respondent, there are two items of properties. In the instant case, this Court is concerned about the property in Survey No.222/2 which was described as Item No.1 in the suit schedule property.

3.The father of the 5th respondent had sought for the relief of declaration of title and permanent injunction, insofar as Item No.1 of the suit schedule property and for the relief of recovery of possession and other consequential reliefs insofar as Item No.2 of the suit schedule property. The



trial Court in O.S.No.313/1996 dismissed the suit by judgment and decree dated 30.8.2006. This judgment and decree was further confirmed in the appeal in A.S.No.100 of 2006 by judgment and decree dated 25.8.2009. Aggrieved by the same, the father of the 5th respondent came before this Court and filed S.A.No.276 of 2010. During the pendency of this second appeal he died and his legal representatives were substituted in his place. The 5th respondent in this petition was also the 5th appellant in the second appeal. While dealing with the issue regarding the title claimed over the property in Survey No.222/2, it was contended on the side of the respondents in the second appeal that it was an anadeenam. This Court took into consideration the materials that were available and also the stand that was taken on the side of the respondents and came to a conclusion that insofar anadeenam land, no one can claim any title over the property and in fact, this Court reiterated that Item No.1 of the suit schedule property is an anadeenam land. Accordingly, the second appeal was dismissed by judgment dated 30.3.2022.

4.The petitioners herein filed CrI.OP.No.1123 of 2023, seeking for police protection in order to enable the petitioners to survey the property and to fix the boundaries. While dealing with this petition, this Court took into consideration the fact that the first item of the suit schedule property was declared as an anadeenam land and therefore, it is for the Government to



safeguard the same and if any survey is conducted, the 5th respondent cannot obstruct the survey.

5.The present contempt petition was filed on the ground that survey was not done and no police protection was given.

6.The 1st respondent has filed a counter affidavit and para 3 of the counter affidavit is extracted hereunder:

3. I submit that based on the above said order of this Hon'ble Court one Tr.Nandagopal, Inspector of Police Cheyyur Circle and his Police team visited to the petitioner's property in survey No.222/2 Nergunapattu Village, Cheyyur Taluk, Chengalpattu District having an extent of 0.28.0 acres wherein they given police protection on 7.9.2023 during surveying in the presence of 2nd and 3rd respondents/the Tahsildar, the Taluk Surveyor.

7.Heard Mr.T.K.S.Gandhi, learned counsel for the petitioners and Mr.T.R.Rajagopalan, learned Senior Counsel for R2 and Mr.A.Gopinath, learned Government Advocate (Crl.Side) for R1.

8.In the considered view of this Court, the 2nd respondent has now taken a stand that the survey was conducted by the officials and police protection was also given on 7.9.2023.



9. While dealing with the contempt petition, this Court must only see if the directions given by this Court has been complied with. The police have come up with a very specific stand that the survey was not conducted on 7.9.2023 and police protection was also given. In the light of this stand taken by the police, no further orders can be passed in this contempt petition.

10. As already held in the criminal original petition, Item No.1 to the suit schedule property was declared as an anadeenam land and therefore, it is for the Government to take all steps to safeguard the property. There was no decree as such passed in the suit which culminated in the second appeal and therefore, there is no decree to execute. The direction as issued by this Court in the criminal original petition has now been complied and it will suffice to record the same and close this contempt petition.

11. In the result, this contempt petition is closed.

26.02.2024

Internet: Yes
KP

To

1. The Sub Inspector of Police
Anaicut Police Station
Maduranthagam Zone
Chengalpattu District.

2. The Public Prosecutor
High Court, Madras.



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N. ANAND VENKATESH, J.

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