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Cont.P.No.90 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cont.P.No.90 of 2024

A.Azizul Karim

...Petitioner

Vs.

Mohammed Shafiullah,
The Inspector of Police, (Law & Order),
N3, Muthialpet Police Station,
George Town, Chennai 600 001.

...Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for his utmost intentional, deliberate, wanton and wilful disrespect, dis obedience and dis-obedience shown in executing and implementing and complying the order of this Court made in W.P.No.27775 of 2023 dated 22.11.2023.

For Petitioner : Ms. M.Bharathy Meena

For Respondent: Mr.A.Gopinath

Government Advocate (Criminal Side)

ORDER

This Contempt petition has been filed to punish the respondent for his wilful disobedience of the order passed by this Court in WP No.27775 of



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2023 dated 22.11.2023.

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2. When the Writ Petition was disposed of by this Court, this Court at paragraph no.7 of the order has stated as follows:

"7. Therefore, this Court while dismissing this petition, permit the petitioner herein to workout his remedy to remove his material if any, with the leave of the Court where a Civil Suit is pending or otherwise, if the 3rd respondent himself have no objection in handing over the movable properties of the petitioner, that can be done amicably after taking inventory in the presence of the police. The property of the petitioner herein be given after getting due receipt from the petitioner herein. No costs."

3. The grievance of the petitioner is that the petitioner was repeatedly approaching the respondent Police and requesting them to be present in the site to enable the petitioner to remove the movable properties and to take inventories. Since the representation was not acted upon, the present Contempt Petition has been filed before this Court.

4. The order passed by this Court makes it very clear that only if the



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private respondent has no objection in handing over the movable properties amicably, the role of the Police will start and they should be present in the site to take the inventories. In the entire affidavit that has been filed in support of the Contempt Petition, there is not even a mention as to whether the 3rd respondent had agreed for removing the movable properties from the building. Without such an averment, there is no question of proceeding against the Police for disobedience of the order of this Court. Such an averment is in fact absent even in the notice that was issued before initiating this contempt proceedings.

5. The learned Government Advocate (Crl.Side) produced relevant materials before this Court and he submitted that pursuant to the representation made by the petitioner, a notice was sent to the 3rd respondent. The 3rd respondent through a letter dated 14.12.2023, informed the Police that he was not agreeable for permitting the petitioner to take away the movable properties and that he will workout his remedy before the Civil Court.

N.ANAND VENKATESH,J.



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6. In the light of the stand taken by the private respondent, the Police did not have any role to play. This Court does not find any contemptuous conduct on the part of the respondent Police, much less non-compliance of the order of this Court.

7. Hence, this Contempt Petition is closed.

12.01.2024

Index : Yes/No
Speaking Order : Yes/No

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