



Cont P(MD) No.768 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Cont P(MD) No.768 of 2024

1.C.Mahalingam

2.M.Chithra

... Petitioners/Petitioners

Vs.

Mr.Prabhu,
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.

... Contemnor/Respondent

PRAYER : Contempt Petition is filed under Section 11 of the Contempt of Court Act, 1970, to punish the Contemnor/2nd Respondent for the deliberate and willful disobedience of the order dated 13.12.2023 passed by this Court in CrI.O.P. (MD).No.22435 of 2023.

For Petitioner :Mr.G.S.Senthilkumar

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (CrI. Side)



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ORDER

This petition has been filed to punish the Contemnor/2nd Respondent for the deliberate and willful disobedience of the order dated 13.12.2023 passed by this Court in CrI.O.P.(MD).No.22435 of 2023.

2.CrI.O.P.(MD).No.22435 of 2023 was filed by the petitioner herein seeking a direction to the respondent herein to provide police protection on the basis of the representation dated 29.10.2023. That petition was considered by this Court. The following observation was made.

“2.The grievance of the petitioner is that in pursuance of the order passed by this Court in W.P. (MD).No.24882 of 2023, steps have been taken by the petitioner to measure the property. In pursuance of the steps made by the petitioner, the surveyor also visited the place and measured the property. At that time, the private respondents trespassed into the property and damaged the standing trees. Based upon which, he made a complaint.

3.Let the petitioner appear before the respondent police and co-operate with them to complete the process of the enquiry. The respondent police shall complete the enquiry within a period of fifteen days from the date of



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receipt of a copy of this order, by summoning the parties and depending upon the ground situation. Depending upon the outcome of the enquiry the second respondent shall take further action and the parties can workout their remedy, if so aggrieved. There is no question of police protection without making enquiry for taking measurement. After completion of enquiry, if any trouble exists, the petitioner is at liberty to move the second respondent herein in this regard.”

3. Against the order, this contempt petition is filed stating that the above said order was not complied by the respondent herein.

4. The learned Government Advocate (Crl. Side) would submit that during the course of enquiry, it was found that patta proceedings in respect of the property is pending before the Revenue Divisional Officer, Sri Rengam. The parties were directed to workout their remedy depending upon the outcome of the proceedings. According to the learned Government Advocate (Crl. Side), the representation was closed with the above said direction.



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5. But, the learned counsel for the petitioner would submit that the matter is pending before the Revenue Divisional Officer is entirely different from the said complaint. So according to him, the present complaint was given in respect of the criminal tress-pass, causing damages to the fencing stones and removal of coconut trees, criminally intimidation, abuse, etc. So that complaint must be properly enquired by the respondent.

6. The learned Government Advocate (Crl. Side) produced the copy of the closure report. He also produced the written statement given by the petitioner stating that no further action is required in this regard, which is dated 28.03.2024. But, it is disputed by the petitioner herein. Now, what ever it may be, when the patta proceedings is pending before the Revenue Divisional Officer. The petitioner can pursue the matter in accordance with law. Further, if so he is not agreeable with the closure made by the respondent herein. So the contention raised by the petitioner herein is rejected.



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6. With the above said liberty, this contempt petition stands closed.

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Internet : Yes / No
Index : Yes / No
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To

1. Mr. Prabhu,
The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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