



Cont.P(MD).No.1854 of 2023 in
W.P.(MD)No.17189 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 20.02.2024

Delivered on : 26.04.2024

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Contempt Petition(MD).No.1854 of 2023
in
W.P.(MD)No.17189 of 2019

K.Ramasamy : Petitioner / Petitioner

Vs.

Uthayasuriyan : Contemnor / 4th Respondent

PRAYER: Contempt Petition has been filed under Section 11 of the Contempt of Courts Act, to take action for the offence of contempt being committed by the contemnor under Section 11 of the Contempt of Courts Act, 1971 by awarding maximum punishment provided in the said Act in view of his deliberate violation of the order passed by this Court in W.P(MD)No.17189 of 2019, dated 16.09.2022.

For Petitioner : M/s.V.Moushica,
for Mr.R.Anand

For Respondent : Mr.S.Partha Sarathy



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ORDER

The above petition has been filed, invoking Section 11 of Contempt of Courts Act, 1971, seeking orders to punish the respondent for his willful, deliberate and disobedience of the order passed in Writ Petition in W.P. (MD)No.17189 of 2019, dated 16.09.2022 by this Court.

2. The petitioner has filed a writ petition in W.P.(MD)No.17189 of 2022, seeking writ of certiorarified mandamus, challenging the order passed by the first respondent therein vide order, dated 26.07.2019 and for directing the the official respondents to grant permission and protection for the petitioner's celebration of Temple Festival at Arulmigu Kalamman Temple situated at Pandalgudi, Aruppukotai, Virudhunagar District. Pending writ petition, this Court has passed an order to implead the present contemnor as fourth respondent and after hearing all the parties, has passed an order, dated 16.09.2022 and the relevant passage is extracted hereunder :

“ 21. Considering the above, this Court is of the view that the order of the first respondent is not good in law and the same is liable to be set aside, but at the same time, the petitioner or the



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fourth respondent or any member of the 24 Manai Telugu Chettiyar community are at liberty to approach the competent civil Court for determining their rights with regard to Arulmigu Kaliyamman Temple, marriage hall and other properties. Considering the fact that this dispute involves the people belonging to the same community, with a view to avoid aggravation of the situation, this Court is of the view that the status quo as of now is to be continued and at the time of conducting temple festival both parties are directed to approach the first respondent and the first respondent is directed to convene a meeting and to decide the dates on which both the groups have to celebrate the festival, similar to that of the interim order passed by this Court in W.P. W.P.(MD)No.17189 of 2019, dated 09.08.2019 in the coming years till the competent civil Court decides about the rights of the parties finally or at least till the passing of the interims orders by the competent civil Court.”

3. The case of the petitioner in the present contempt petition is that as on the date of passing of the said order by this Court, they were only maintaining and holding the possession of Kalyana Mandapam, Association Building, Shops being rented out; that because of the contemnor's protest, the Inspector of Police, Aruppukkottai Taluk Police Station, has locked the same and kept the key under his custody; that since



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this Court has directed the parties to maintain *status quo*, they have been scrupulously following the same without any deviation; that the contemnor with utter disregard to the said order has instigated one Kanagaraj and Lakshmanan to create problems with their peaceful possession with regard to the marriage hall; that the said two persons came to the marriage hall on 13.03.2023 at about 08.00 pm., and picked up quarrel and threatened with dire consequences so as to capture the possession of the said marriage hall; that one of their office bearer has lodged a complaint with Aruppukkottai Taluk Police Station in C.S.R.No.59 of 2023 and during enquiry, the contemnor gave a statement that he would not indulge in the activities of disturbing the petitioner's possession of the property.

4. It is the further case of the petitioner that on 28.05.2023, the said Kanagaraj and Lakshmanan came to their shops again and directed the tenants therein to vacate the premises by giving stern warning and as a result of which, a complaint came to be lodged in C.S.R.No.100 of 2023 and in the enquiry, the contemnor has been advised not to do such things; that since the contemnor has been violating the order of this Court purposely and attempting to get possession of the property deliberately,



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they have sent a contempt notice, dated 05.06.2023 and reminded him to follow the order of this Court in its letter and spirit; that though the contemnor has sent the reply notice, he has not changed his attitude, that he came to the shop belonged to the petitioner's association and put up a over lock preventing the tenants to enter into that premises and the same was immediately reported before the Police; that in the enquiry, though the Police has advised the contemnor to remove the lock, he has not chosen to remove the lock; that though it has been de-sealed after a great difficulty, still they were under apprehension; that the contemnor would continue with the recurring acts and disturbing their possession and that therefore, the petitioner is constrained to file the present petition.

5. The contemnor has filed a counter affidavit denying the petitioner's affidavit averments and further stated that the petitioner has made it appear as if this Court has granted him all the rights to utilize the marriage hall and other properties; that the petitioner in the affidavit has taken a stand as if he was maintaining and holding the possession of marriage hall, association building and the shops, which are false and baseless; that no party was in control of the marriage hall or other



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properties as on the date of order of this Court; that the petitioner without giving due credence to the order of this Court entered into the marriage hall premises and was trying to take control of it; that the contemnor after coming to know about the same, immediately rushed to the spot along with other interested people from their community to explain the order of this Court; that while they were trying to explain, the petitioner had threatened them with dire consequences; that the contemnor and others withdrew themselves from the premises in order to maintain peace; that the petitioner anticipating legal action filed a false compliant before the police authorities; that the police came to know in the enquiry that the petitioner alone has instigated the entire issue without giving nay regard to the order of this Court and that the petitioner alone is guilty of the contempt of Court.

6. It is their further case that the tenants of the said shops, who were disturbed with internal issues of the community and decided not to take sides; that some of the tenants have already vacated the shop premises leaving the endowments in loss; that one Kandasamy Chettiar owner of the property adjacent to the marriage hall filed a suit in O.S.No.264 of 2015,



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seeking the relief of declaration, recovery of possession and mandatory injunction against the contemnor's community; that the said suit was filed against the said community under Order I Rule 8 of C.P.C., that the petitioner has given evidence as D.W.1 and has categorically admitted that the marriage hall is locked and not put into use by any of the parties and that the petitioner has completely misunderstood the term *status quo* and by suppressing the material facts and by projecting a case as if the contemnor has violated the order by allegedly taking control of the marriage hall and as that the contemnor' has threatened the tenants, which are false. The learned counsel for the contemnor would submit that the contemnor did not disobey the order of this Court much less willfully or wantonly and he is offering his unconditional apology, if he inadvertently violated the order of this Court.

7. It is pertinent to note that the Revenue Divisional Officer of Aruppukottai Sub Division in the order, dated 26.07.2019, impugned in the writ petition has directed the Revenue Thasildar of Aruppukottai and the Inspector of Police, Aruppukkottai Taluk Police Station to lock the temples, marriage hall and other buildings owned by Pandalgudi Lingapuram, 24



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Manai Telungu Chettiar Community and as per the said directions, the said authorities have locked the temple and other buildings including the marriage hall.

8. It is not the case of the petitioner at the time of filing of the writ petition that they were permitted to use or possess the marriage hall and other buildings belonging to their community. This Court with a view to avoid aggravation of the situation then prevailing, directed all the parties to maintain status quo as on the date of order and a direction was given to the Revenue Divisional Officer, Aruppukkottai Sub Division to convene a meeting and decide the dates on which both the groups have to celebrate the festival in the temple, similar to that of the interim order passed by this Court earlier, dated 09.08.2019 in the coming years till the competent civil Court decides about the rights of the parties finally or at least till the passing of interim orders by the competent Civil Court. Moreover, this Court in the said order has given liberty to the petitioner or the contemnor or any member of 24 Manai Telungu Chettiar Community to approach the competent Civil Court for determining their rights with regard to Arulmigu Kaliyamman Temple, marriage hall and other properties.



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9. When the contempt petition was taken up for hearing, the learned counsel for the petitioner as well as the learned counsel for the contemnor would submit that no one has initiated any action before the competent Civil Court. This Court has passed the order in the Writ Petition as early as on 16.06.2022, till February 2024 nobody has approached the civil Court and their non-action would go to show their intention that the present stalemate has to continue and if that is the intention, this Court cannot do anything and the sufferers would be the people belonging to that community.

10. As rightly contended by the learned counsel for the contemnor, neither the Revenue Divisional Officer nor this Court has directed the petitioner to hold possession or to use the marriage hall or other properties, except opening of temple for temple festivals and that too as per the directions of the Revenue Divisional Officer of Aruppukkottai Sub Division. The petitioner has filed the present contempt petition as if he and his men had been permitted to use the marriage hall and other properties and the contemnor has been disturbing them and has been attempting to take possession of the same.



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11. In order to establish contempt of Court, it is necessary to prove that the conduct was willful and that the contemnor know of all the facts, which made it breach of undertaking. In the case on hand, considering the entire facts and circumstances of the case, there is absolutely no basis for the petitioner to allege that the contemnor has disobeyed the order of this Court. Hence, this Court has no hesitation to hold that the petitioner without any basis has invoked the contempt of jurisdiction of this Court and as such, the same is liable to be dismissed.

12. In the result, the Contempt Petition is dismissed.

26.04.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

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K.MURALI SHANKAR, J.

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Pre-delivery order made in
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