



Contempt Petition No.756 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Contempt Petition No.756 of 2025

V.Raghuraman
S/o of Late.K.Veerabaran
represented by Power Agent
A.Raja @ Rajaram
Son of K.Arumugam, Door
No.4/1B, Samuvel Street,
Ranipet, Attur Town and Taluk,
Salem District.

Petitioner

Vs

1. Savithiri
The Inspector of Police, Thalaivasal
Police Station, Salem District.

2.The Tahsildar,
Thalaivasal Taluk, Salem District.
(Suo Motu impleaded as 2nd
Respondent as per the order of this
Court made in Cont.P.No.756 of
2025, dated 28.03.2025)

Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act praying to punish the respondent herein for contempt for willfully disobeying the order dated 08.03.2024 made in W.P.No.6167 of 2024.



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For Petitioner : Mr.M.Guruprasad
For Respondents : Mr.V.J.Priyadarsana
Government Advocate [Crl.side] [R1]
Mr.P.Sathish
Additional Government Pleader [R2]

ORDER

Pursuant to the earlier order passed on 22.04.2025, the matter was listed for hearing today.

2. This contempt petition has been filed to punish the respondent herein for contempt for willfully disobeying the order dated 08.03.2024 made in W.P.No.6167 of 2024.

3. Heard Mr.M.Guruprasad, learned counsel for petitioner, Mr.V.J.Priyadarsana, learned Government Advocate [Crl.side] appearing for first respondent and Mr.P.Sathish, learned Additional Government Pleader appearing for second respondent.

4. When the order was passed in the writ petition, this Court took into consideration the decree passed by the competent civil Court, which was confirmed till the Apex Court and also the order passed by the



Execution Court delivering possession of the property. The petitioner wanted to fence this property in Survey Nos.40/2 to 40/5. The same was prevented and therefore, the petitioner sought for police protection in order to have access to his property.

5. When the case came up for hearing on 22.04.2025, a status report was filed by the second respondent, who was *suo motu* impleaded in this contempt petition on 28.03.2025. In the status report, it is stated that one Kuppusamy, who is having property in Survey No.39/5 is objecting the petitioner from utilizing the path since it runs through his patta land.

6. Learned Government Advocate appearing on behalf of the first respondent submitted that since there was resistance on the part of Kuppusamy, the police was not able to provide police protection in order to enable the petitioner to fence his property.

7. In the light of the above stand taken by the respondents, this Court directed the learned counsel for petitioner to take instructions.



8. When the matter was taken up for hearing today, learned counsel for the petitioner produced the relevant documents in order to understand the topography of this place. The property belonging to the petitioner in Survey Nos.40/2 to 40/5 can be accessed from the northern side only through the pathway that is available on the right side of the property belonging to Kuppusamy in Survey No.39/5. If this pathway is not accessible, neither Kuppusamy nor those land owners, who are having lands near the property belonging to Kuppusamy can have access to their lands.

9. The specific case of the petitioner is that the persons, who lost before the civil Court, have now set up the said Kuppusamy and are preventing the petitioner from having access to the property in Survey Nos.40/2 to 40/5. Learned counsel for the petitioner submitted that an attempt was made to reopen the issue by filing yet another suit and C.R.P.No.1284 of 2025 has been filed before this Court to strike off the plaint and the said revision has been entertained and the proceedings in the suit has been stayed by an order dated 01.04.2025.



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10. The photographs, which have been produced before this

Court, shows that the pathway that is available on the right hand side of the property belonging to Kuppusamy in Survey No.39/5 is used for movement of big vehicles. If that is the case, it is not known as to how the petitioner alone can be prevented from having access to the pathway.

11. In view of the above, the respondents shall ensure that if others are having access to the pathway that is available on the right side of the property belonging to Kuppusamy in Survey No.39/5, the petitioner alone cannot be prevented. If that is prevented, it virtually amounts to depriving the petitioner the fruits of the decree that has become final. Hence, the respondents shall ensure that the petitioner is permitted to have access like others and if any law and order problem is created, action shall be initiated against the concerned person in accordance with law.

This contempt petition is disposed of with the above direction.

24.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

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