

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 44/2025 in SLP(C) No. 13281/2023

JAYAKANDAMMAL

Petitioner(s)

VERSUS

A.SELVARAJU

Respondent(s)

Date : 19-09-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

Mr. T. Harish Kumar, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1) Arising out of proceedings of eviction, Special Leave Petition (Civil) No. 13281 of 2023 was filed which was dismissed *vide* order dated 14.08.2023; however, on the request made by the learned counsel for the petitioner-A.Selvaraju (the contemnor herein), time for vacation till 31.12.2023 was allowed. Order dated 14.08.2023 is reproduced hereunder for ready reference:

"We do not find any ground to interfere with the impugned Judgment passed by the High Court. The Special Leave Petition is, accordingly, dismissed.

Learned counsel for the petitioner prays for minimum one years' time to vacate the suit premises. However, in the facts and circumstances of the case,

we direct that the suit premises shall be vacated by the petitioner on or before 31.12.2023 subject to payment of rent and arrears thereof. The petitioner shall hand over the vacant possession of the suit premises to the respondent on or before 31.12.2023 and shall not part with or create any third party right therein. The petitioner shall also file an undertaking in this regard within a period of two weeks from today before the Registrar, High Court of Judicature at Madras. The violation of the aforesaid directions shall be treated as non-compliance of the order of this Court. Pending interlocutory application(s), if any, is/are disposed of."

2) As alleged before us, undertaking was not filed by the contemnor before the High Court and as per the direction, he had not vacated the premises till 31.12.2023, therefore, the present contempt petition was filed.

3) After issuance of notice on 10.02.2025, it was served but the respondent-contemnor had not appeared. The contemnor had sent a letter dated 14.03.2025, which is reproduced as under:

"This Sammatha Pathiram also filed in the court and pending in the court and this suit property sold and purchased when the second appeal is pending (suit No.1056/2005) in the High Court Madras.

Now the above Smt. Jayakanthammal filed suit for contempt of Court against me in the Honourable Supreme Court, New Delhi. In this Summon Court ordered to me to appear on 18.03.2025.

Now my age is 83 years. I am not will. I am taking treatment in Government Hospital. I cannot able to walk and standing normally due to age of 83 years to me. And also I have no finance source to come to Supreme Court, New Delhi. I have nobody help to me. I am a poor family man.

Therefore the Honourable Supreme Court may kindly be accepted my petition sympathetically and request to dismiss the petition filed by the above Jayakanthammal. And request that the Honourable Supreme Court may kindly be excused me for not appear in the Court on 18.03.2025. Copy of the Court Summon which is mentioned in the reference

cited.

Thanking you very much Sir,"

4) The revised office report dated 14.08.2025 indicating the service of notice and specifying the averments made in the letter dated 14.03.2025 of the contemnor, is reproduced as under:

"5. It is submitted that Mr. A. Selvaraju, Alleged Contemnor has on 18.03.2025 sent a letter through speed post to this registry stating therein to excuse him from personal appearance before Hon'ble Court in view of Hon'ble Court order dated 10.02.2025 and copy of the same is circulated for kind perusal of the Hon'ble Court.

6. It is again submitted that notice of hearing to the alleged contemnor was issued and sent through speed post on 14.08.2025 to appear before the Hon'ble Court of 18.08.2025.

7. The petition/appeal along with the application(s) above-mentioned is listed before the Hon'ble Court with this office report."

5) Considering the aforesaid, this Court passed order on 18.08.2025 directing to call the contemnor by issuing bailable warrant against him. The said order is reproduced as under:

"1. In the instant Contempt Petition, notice was issued to the respondent-alleged contemnor on 10.02.2025 because the vacant possession of the premises was not handed over as directed by this Court.

2. Even after service of notice, the contemnor has sent a letter contending that he is 83 years of age and taking treatment. It is also stated in the said letter that he has no financial source to come to the Supreme Court. However, he has requested to dismiss the Contempt Petition.

3. In our considered view, without complying the directions issued by this Court, such a request is unreasonable and unacceptable.

4. In this view of the matter, we issue bailable warrants against the alleged contemnor for a sum of Rs.10,000/- (Rupees Ten Thousand) to secure his presence before this Court. The said bailable warrants be furnished by the SHO, Suramangalam Police Station, Selem City Junction, Tamil Nadu.

5. List on 19.09.2025."

6) The said bailable warrant was served on him and after service, he was released on bail because the contemnor gave an undertaking to appear before this Court on 19.09.2025, i.e., today. The said report of the office dated 18.09.2025 is reproduced as under:

"3. It is submitted that pursuant to the order quoted above, bailable warrant was issued to the alleged contemnor on 22.08.2025 through the SHO, Suramangalam Police Station, Salem City Junction, Tamil Nadu. A compliance report has been received from the Inspector of Police, Sooramangalam Police station, Salem City stating therein that warrant had been executed on 30.08.2025 and the alleged contemnor had released on bail after obtaining the bail bond and the alleged contemnor had undertaken to appear before the Hon'ble Court on 19.09.2025.

4. The petition above-mentioned is listed before the Hon'ble Court with this office report.

DATE: 18-09-2025"

7) Revised office report of the same date has further been sent by the office, wherein, the office has reported as under:

"4. It is further submitted that a letter has on 18.09.2025 been received in this registry from Mr. A. Selvaraj, alleged contemnor requesting therein his absence on 19.09.2025 and copy of the same is circulated with this office report for kind perusal of the Hon'ble Court.

5. The petition above-mentioned is listed before the Hon'ble Court with this office report."

8) Along with the report, letter dated 12.09.2025 sent by the contemnor-Mr. A Selvaraj has been attached. The said letter is reproduced in *toto* as under:

"I am not appear on 18.8.2025 in the Court. This order despatched on 14.08.2025 in Supreme Court and reached to me on 18.08.2025, 11'o'clock. Same this copy is enclosed herewith. I cannot appear in the Court. Hence Supreme Court issued orders for arrest warrant against to me to the SURAMANGALAM Police Station. I went to police station with Advocate. Enquired me in police station and released me on Bail through Advocate. And instructed in police station and told that I will appear on 19.09.2025 in Supreme Court and get statement from me on 30/08/2025.

Smt. Jayakanthammal signed and given one Sammatha Pathiram to me on 22.03.1993. As per this Sammatha Pathiram this suit property is to my rights. I am residing in this suit property more than 34 years from 1.1.1991. Jayakanthammal sold this suit property to 3rd party K. Murugesan in sale deed No.3818/2009 dated 13.07.2009. When the second appeal is pending(A.S.1056/2005) in High Court Madras. It is unlawfull. Jayakanthammal and K. Murugesan cheated me as they are financially well to do. I am a poor family man I have no any other property except to this suit property. I have no finance sourced to come to court New Delhi.

My age is 84 years. I cannot able to come to the Supreme Court New Delhi. I have no health. I cannot able to walking and standing normally offen and offen, I am suffering from fever and cold. I am sleeping in my house. Some time I am taking treatment in GH. I cannot able to take enough food. I am a poor family man.

POP No. 10/2012 is pending in P.S.J Court Salem for enquiry with Sammatha pathiram dated 22.3.1993. And A.S. No. 28/2022 is also pending for permanent injunction against Jayakanthammal and K. Murugesan in Additional Subordinate Judge Court in Salem. I have worked as advocate Kumastha in Criminal Court more than 35 years from 1978 to 2013. More than 10 years I cannot able to go to court as my age is 84 years and unhealth.

Therefore, I request that the Honourable Supreme Court to accept my petition for favourable considering sympathetically. My absent on

19.09.2025 is not wanted by me. I have got full faith for law and court order. I am a poor family man. I have no any other property except this suit property. Finally I have request that this suit may kindly be sent to the Salem P.D.J. Court as Special case Please. I wont forget this help till my end of life I would be much obliged to the court orders."

9) After perusal of the aforesaid fact, it is clear that as per order dated 14.08.2023 passed in Special Leave Petition (Civil) No. 13281 of 2023, the premises has not been vacated by the contemnor though it was required to be vacated on or before 31.12.2023. On issuance of notice by this Court and service of summons, he has not appeared, therefore, bailable warrant was issued against him. At the time of service of bailable warrant, he has undertaken before the police authorities to appear before this Court today but he is not appearing. As per the office report, his conduct indicates that he does not wish to vacate the premises and wants to take pretext either on the ground of age or wishes to plead the case on merits. In our view, both the said pretexts for non-compliance of the order of this Court are insignificant, and may fall within the purview of deliberate and willful non-compliance.

10) The net result is that as per the request and within the time frame, the contemnor was required to vacate the premises which he has not done. In this view of the matter, we direct that the Principal District Munsif, Salem, shall take possession with the police help ousting the contemnor

from the premises. If he creates any ruckus, he would be taken into custody by the police. Inventory of the articles be prepared and would be kept in the safe custody through the help of the Administrative Authorities.

11) We further direct the contemnor to pay occupational charges of Rs.10,000/- per month from January, 2024 till the date of vacation.

12) The police is directed to take further undertaking for his appearance on the next date of hearing before this Court.

13) In case, he would not appear or he is not complying with the order of this Court, we shall be constrained to take him into custody by issuing non-bailable warrant immediately and sent him to jail awarding appropriate sentence.

14) The report be sent by the concerned District Judge on taking over of the possession on or before the next date.

15) List on 27th October, 2025.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR