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Cont.P.No.2403 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDER RESERVED ON : 20.09.2023
ORDER PRONOUNCED ON : 06.11.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

Contempt Petition No.2403 of 2022

Venu Srinivasan

...Petitioner

Vs.

Rangarajan Narasimhan

...Respondent

Contempt Petition is filed under Sections 11 and 12 r/w. Section 2(b) of the Contempt of Courts Act, 1971 praying to punish the Respondent herein for willful disobedience of the common order dated 02.09.2022, passed by this Court in W.P.No.23367 of 2018 and W.M.P.Nos.1009, 6098 and 6099 of 2022.

For Petitioner : P.S.Raman, Senior Counsel
for Mr.R.Palaniandavan

For Respondent: Mr.Rangarajan Narasimhan
party-in-person

ORDER

(The order of the Court was made by N.MALA,J.)

The contempt petition arises out of a common order dated 02.09.2022 passed in W.P.Nos.23367 of 2018 and W.M.P.Nos. 1009, 6098 and 6099 of 2022 by this Court.



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2. The respondent in the contempt petition filed the W.P.No.23367 of 2018 for a writ of Mandamus directing the Board of Trustees, Sri Kapaleshwarar Temple, Mylapore to conduct Balalayam in Sri Punnaivanananathar Sannidhi with immediate effect and to make necessary arrangements for the consecration of a new peacock idol which represents goddess Parvathi Devi, with flower in its beak, as per Agama Shastra. The petitioner in the contempt petition filed impleading petition in WMP.No.1009 of 2022 and without passing formal orders in the implead application, the counsel for the petitioner in the implead application was permitted to address the issue. On the submission of the respondent herein that he would be satisfied if the issue with reference to the idol of the peacock in Kapaleshwarar temple was referred to the committee and on the representations of the respondent and the petitioner's counsel that pending writ petition allegations and counter allegations were being exchanged in the social media between them, the Court while disposing of the writ petition passed the directions in para's 4 and 6 of the order. It is for the violation of these directions in para's 4 and 6 of the order dated



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02.09.2022, that the petitioner has filed the above contempt petition
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against the respondent.

3. One more factual aspect that has to be stated here is that in the earlier contempt petition No.1946 of 2022 filed for violation of the very same paragraph's by the respondent, this Court vide order dated 18.10.2022 closed the contempt petition recording the apology and the undertaking given by the respondent in the better affidavit that he would delete the tweets made on 02.09.2022 on his twitter handle @our temples.

4. The learned senior counsel for the petitioner after taking us through the various tweets and facebook posts submitted that the tweet dated 30.10.2022 in twitter and the facebook posts of even date were in total violation of para's 4 and 6 of the order dated 02.09.2022. Elaborating on the comment's the learned counsel submitted that though the respondent did not name the petitioner directly, the comments read as a whole would clearly establish that the respondent



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was targeting the petitioner. The learned Senior counsel further submitted that the tweet dated 30.10.2022, which was posted in response to public comments, on the apology tendered by the respondent to the Court, it is evident that the apology tendered to Court was sham and made only to escape from punishment without any remorse or repentance. The learned Senior counsel referring to the affidavit filed in the earlier contempt petition submitted that contents thereof indicate that the respondent was attempting to scandalize and lower the authority and dignity of the Court by his trash and repeated disobedience of the Court's order.

5. The learned counsel for the respondent vociferously argued that the tweet and the facebook posts nowhere refer to the petitioner and it was only an apprehension of the petitioner that he was targeted. The learned counsel referring to the voluminous counter affidavit filed by him submitted that he was exercising his fundamental right to freedom of expression as guaranteed by the constitution which was being erroneously projected as violation of the Court's order. The



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respondent with reference to the tweet on the apology tendered in the earlier contempt petition, submitted that it was an educational tweet. The respondent referring to the tweets in the type set of papers, submitted that they lacked requisite pleadings to show as how they were contumacious. The respondent referring to the use of the words Ve.Si in the tweet dated 30.10.2022 submitted that they were very generic in nature and within the legal boundaries of freedom of speech and expression. The counsel submitted that in none of the tweets the petitioner was named and that the tweets had nothing to do with proceedings of the Court. The respondent referring to certain instances submitted that out of frustration he had posted the tweets. The respondent therefore submitted that there was absolutely no violation of the Courts order and hence the petition deserved to be dismissed.

6. We have heard the Senior counsel for the petitioner and the respondent, party-in-person. Senior counsels and counsels appearing through video conferencing submitted that the conduct of the respondent in posting comments against them in his twitter accounts,



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just because they appeared for the petitioner should be condemned.

The counsels submitted that the respondent in posting such comments was interfering with the course of justice by intimidating them for discharging their professional duties.

7. The graveman of the contentions against the respondent in this contempt proceedings are threefold.

1. The tweets and facebook posts on 30.10.2022 of the respondent are targeted against the petitioner and as such violative of the order of this Court dated 02.09.2022.

2. Though the respondent did not name the petitioner in his tweets and posts the reading of the entire tweets and posts would clearly establish that the respondent was targeting the petitioner only.

3. The tweet on apology tendered by him to the Court in the earlier contempt proceedings clearly establishes that the respondent has no respect or regard for the Court and its majesty and the apology was sham and made with a view to escape punishment.



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8. It is to be seen if the respondent is guilty of violation of the order of this Court dated 02.09.2022 and further if the tweet on apology to the Court in the earlier contempt proceedings denigrates the authority of the Court in eyes of the public. Though several tweets and posts are annexed in the type set of papers by the petitioner, we are not inclined to probe all of them, as most of them were subject matter of the earlier contempt proceedings and are said to be deleted by the respondent.

9. Before examining the issue we would like to first extract the order dated 02.09.2022, particularly para's 4 and 6.

"4. At this stage, the petitioner-in-person and even the learned counsel appearing in the impleadment applications submitted that pending this matter, allegations have been made inter se between the parties, though not impleaded herein and it is asserted by the petitioner that an effort was made to attack him and in counter it is submitted that the petitioner is making video messages to pull down the image of the respondents holding responsible position in the society. The petitioner is tarnishing the image of the applicant in the social media to satisfy his egos. We are not inclined to divert the subject however direct the



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parties to conduct themselves within the four corners of law and not to indulge unnecessarily in the practices not appropriate especially when the parties are addressing a religious issue and thus, they are directed to maintain peace and harmony and accordingly, not to involve themselves to use the social media in relation to this case and not to make allegation against each other. Therefore, none of the parties would indulge in any of such practices which are not appropriate and at the same time, we find agreement on the issue that the matter may be referred to the Committee ordered to be constituted by the State Government vide order dated 22.08.2022 in W.P.No.17802 of 2021.

6.The petitioner and applicants in the impleadment applications would not involve themselves to make a comment in reference to each other after preparing a video or going on social media, which may affect their image in the society. It would be in reference to this case and even otherwise. Both the parties shall conduct themselves."

10. From the above para's it is clear that the petitioner and respondent were directed not to go to social media with allegations and counter allegations against each other with reference to the case or otherwise, which may affect their image in the society. It was further



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stated that none of parties would indulge in any practise which would not be appropriate.

The tweet dated 30.10.2022 relating to the petitioner is as follows:

“ஒருவன் பத்மபூஷன் வாங்கி இருந்தாலும்,
40000 கோடி ரூபாய் அவனிடம் இருந்தாலும்,
50000 பேர்களுக்கு உலகெங்கிலும் வேலை
கொடுத்திருந்தாலும்,
ஊரை விலை குடுத்து வாங்கினாலும்,
அவன் செய்த திருட்டு, குறிப்பாக சிலை திருட்டு,
திருட்டுதானே!!!
அரசன் அன்று கொல்வான்!
தெய்வம் நின்று கொல்லும்!!!
வே.சி.க்கள் ஓடலாம் ஒளிய முடியாது!
ஊலக வே.சி.க்களுக்காக”

11. According to the petitioner though he is not named, the content and context of the above tweets targets him and hence it is violative of the directions in para's 4 and 6 of the order. The respondent on the other hand states that the tweet is very generic and not pointed at the petitioner. The respondent admits that Ve.Si. in tamil means “Sex Worker”. In the tweet as rightly admitted by the petitioner, there is no mention of the petitioner's name. The tweet on a plain reading of the same seems to be very generic. The words employed therein could refer



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to any person who fits into the descriptions therein. Some of the matters stated therein may probably apply to the petitioner, but unless and until the reference is clear and categorical on mere apprehension and on surmises and conjectures that the petitioner was the target of the tweet, the respondent cannot be hauled up for contempt. The power to punish for contempt has to be exercised with great caution and circumspection. The power cannot be invoked as a matter of course. The burden is on the petitioner to establish the foundation on which the respondent is to be punished. As already noted there is no specific reference to the petitioner and in the absence of the same we are not inclined to draw an inference against the respondent on the basis of the apprehension of the petitioner that he is the target of the tweet. Though we find that the tweet of the respondent is not violative of this Court's order as admittedly there is no specific reference to the petitioner we at the same time cannot but object to the use of the word "Ve.Si". Admittedly "Ve.Si" refers to 'sex workers'. The petitioner who claims to be a "rakshak" of Sanathana Dharma should not have used the unsavoury words in social platforms. Use of such unpalatable



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words cannot be encouraged and so we recommend the respondent to detox from social platforms for atleast two weeks, in the fond hope that the respondent will realise the importance of maintaining decency and decorum in social platforms which is used by both the old and wise and the young and impressionable.

12. In so far as the tweet on apology to Court is concerned, the tweet is as follows.

“To those who are confused:
Civil Contempt-When someone is presumed to disobey
a Court's order, one apologizes to the Court due to the
“respect” and “regards” for the Court.
CONTENT stands GOOD, no matter what anyone says.
Culprit can run but NOT HIDE!
Wait for the last laugh!”

13. The tweet undoubtedly gives an impression that the apology tendered in the earlier contempt proceedings was made without any contrition or penitence. The tweet “contents stand good no matter what anyone says” clearly establishes that the apology was used as a weapon to escape punishment. The callous fashion in which the respondent on one hand says he respects and has regards for the Court and on the



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other says “that the contents hold good no matter what anyone says” reflects his defiant attitude. The tweet projects as if tendering of apology is a mere ritual and a routine affair in contempt proceedings. The tweet in our view impacts the Court's independence, prestige and interferes with the authority of the Court. The tweet is disgraceful as it tarnishes the authority of the Court. We are therefore of the view that the tweet is contumacious.

14. As we have found that the tweet dated 30.10.2022 of the respondent on the apology tendered to the Court in the earlier contempt proceedings is contumacious, the next question would be what punishment, if any, should be imposed? The respondent may have been lauded for his sincere and painstaking efforts to protect the ancient temples and its treasures. Much as this Court appreciates good and sincere efforts, it also does reprimand inappropriate and contumacious conduct, to uphold the magnificence of the Court. No doubt, this Court has wide powers when it comes to contempt proceedings, but it has always been the practise of this court to exercise



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restraint in the matter of punishment. In our view the tweet is mischievous, to say the least and would have baneful consequences on the dignity and authority of the Court. We therefore impose the punishment of fine on the respondent for the tweet on 30.10.2022 on the apology tendered to the Court in earlier contempt proceedings in contempt petition No.1946 of 2022 dated 18.10.2022.

15. We would like to quote the Judgment from the Hon'ble Calcutta High Court reported in AIR 1966 Cal 411.

"21. I need remind myself that the power of committal for contempt must be wielded with the greatest of care and caution, should be exercised with the greatest of reluctance and the greatest of anxiety and only with the object of seeing that the dignity and authority of the Court be not impaired. At the same time, I need also remind myself that, in this country, Courts derive their authority from the Constitution which the people of this country have themselves adopted, enacted and given unto themselves and hold it in trust for the security and benefit of the people. The power that Judges are called upon to exercise is but the authority of the people themselves, vested by the Constitution, in law Courts. Contempts against law Courts are



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insults to the authority of the people and their Constitution and not to their humble agents, the Judges. Wherever there is a substantial exhibition of such contumacious conduct towards law Courts, Judges must uphold the Constitution and the majesty of Courts....."

16. We therefore impose a fine of Rs.2,000/- on the respondent payable to the Sevalaya, within a period of four (4) weeks from the date of receipt of a copy of this order, Phone No: 9710907675, Account No.218601000134, Bank: ICICI Bank, IFSC Code: ICIC0002186 Branch: Mylapore, Chennai-600 004, Address: F-2, First Floor, #12, Pushkarani Apartment, Ananda Road, Alwarpet, Chennai- 600 018, for the indiscreet tweet posted by him on 30.10.2022 with regard to the apology tendered to the Court in earlier contempt proceedings in contempt petition No.1946 of 2022 dated 18.10.2022.

In the result the contempt petition is allowed.

(J.N.B, J.) (N.M, J.)
06.11.2023

Index:Yes/No
Speaking Order:Yes/No
Neutral Citation:Yes/No
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J. NISHA BANU, J.
and
N.MALA, J.

dsn

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ORDER DELIVERED ON
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