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Sub.A.No.708 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 10.07.2026

Pronounced on : 17.07.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

Sub.A.No.708 of 2026
in Cont.P.No.2677 of 2024

S.Natarajan,
S/o. S.Sivakumar,
No.53, 6th Cross (West),
Thiruvalluvar Nagar,
Coimbatore – 641 046.

... Petitioner

vs

1. Pradeep Yadav, I.A.S.,
Additional Chief Secretary to Government,
Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Fort St. George, Chennai – 600 009.

2. Dr.J.Prakash,
The Registrar, Anna University,
Guindy, Chennai – 600 025.

3. Dr.P.Shankar, I.A.S.,
Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

... Respondents



Prayer: Sub Application is filed under Section 151 of Civil Procedure Code to reopen the contempt petition in Cont.P.No.2677 of 2024 which was closed on 02.02.2026.

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For Petitioner : Mr.R.Ramachandran
for Mrs.N.Kavitha Rameshwar

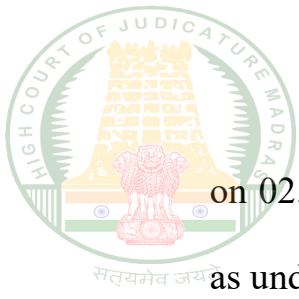
For Respondents : Mr.C.P.Goutham

ORDER

Heard the learned counsel for the applicant and the learned Government Advocate appearing on behalf of the respondents 1 and 3 and perused the record.

2. The sub application is filed under Section 151 of Civil Procedure Code seeking to reopen the contempt petition *vide* Cont.P.No.2677 of 2024, which was closed on 02.02.2026.

3. The applicant herein along with others had filed the underlying contempt petition *vide* Cont.P.No.2677 of 2024 alleging that the respondents are wilfully disobeying and are in non-compliance with the order passed by this Court in the writ petition.



4. When the contempt petition *vide* Cont.P.No.2677 of 2024 was list on 02.02.2026 along with other contempt petitions, this Court had observed as under:

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“5. Since the earlier orders dated 04.12.2025 and 05.01.2026 are to be read along with the proceedings issued today to the petitioners, I do not think there will be any difficulty for the petitioners in having their pay fixed or construing their engagement as absorption. As the matter has been pending for a long time and has consumed considerable time of the Court as well as the efforts of both parties, I feel, a closure can be given today with the above observations.

6. As the order has been substantially complied and the construction of the orders with regard to regularisation has also been clarified today, which includes their entitlement to pay fixation against Level – 17, as already mentioned and to which the respondents have no objection, the Contempt Petitions are closed and further proceedings against the respondents are dropped.”

5. In the above back drop, a reading of the order of this Court while closing the Contempt Petition on 02.02.2026 would show that this Court having recorded its satisfaction of the respondents substantially complying with the order passed in the writ petition and Court having come to conclusion not to proceed under the Contempt of Courts Act, 1971 (for short



‘Act, 1971’). Once, a Court had recorded its satisfaction of respondent

complying with the order of this Court, the petitioner cannot seek for reopening of contempt on the ground that the respondents have not complied with the order or that the compliance is not to his satisfaction or is only partly complied.

6. It is to be noted that in a contempt petition filed under Act, 1971, the role of the petitioner is limited to bringing to the notice of the Court, the act of the respondent not complying with order passed and acting in wilful disobedience to the order of the Court. Upon the said act being brought to the notice of the Court, it is for the Court to decide as to initiate proceedings against the alleged contemnor under the Act, 1971 and punish him if the Court comes to a conclusion that the respondent/contemnor acted in wilful disobedience to the order of the Court, thereby lowering the dignity and majesty of the Court. However, contrary to the said object, contempt proceedings are being pursued as execution proceedings by the petitioner, which cannot be permitted.

7. If only the petitioner had felt that the respondents have not complied with the order passed by this Court in writ petition, the petitioner ought to have objected at the time of hearing of the contempt petition by



bringing to the notice of this Court of non-compliance with the directions contained in the writ petition order, for the Court to decide whether to continue with the proceedings or not and not after the Court recording its satisfaction and closing the contempt petition.

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8. It is more so in the present case, as the Hon'ble Judge who had recorded her satisfaction of the respondents complying with the order of this Court in the writ petition had demitted office on 15.02.2026 and the applicant filed the present sub application on 04.06.2026. If the sub application as filed by the petitioner/applicant is allowed to be entertained, the same would amount to this Court reviewing the satisfaction recorded by the concerned Judge while closing the contempt proceedings. Any such exercise undertaken would amount to this Court examining the correctness of the satisfaction recorded by the learned Judge while closing the contempt proceedings, which is not permitted and is contrary to judicial discipline. Further, as noted herein above, that contempt proceedings are not execution proceedings for the petitioner to claim that till their claim is fully satisfied they can continue to maintain the contempt proceedings.

9. The purpose of initiation of contempt proceedings is to bring to the notice of the Court the wilful disobedience being shown by the respondents



to the order of this Court. Once it is brought to the notice of this Court, the

role of the petitioner is over and he cannot pursue the contempt petition as a

writ petition and is only required to assist the Court if called upon to do so,

and it is for the Court to see whether the respondents, who were directed to

act in a particular manner, had failed to act or perform duties and such

failure and non performance is a wilful act or the respondents were

prevented from giving effect to the order by any supervening circumstances.

The power of the Court under the Act, 1971, is to award the punishment of

imprisonment and fine, but that by itself does not lead to the order of this

being implemented or complied with.

10. It is the Court which has to form an opinion as to whether the respondents have acted in a contumacious manner, for this Court to punish him for contempt. The said being the power of the Court, the Court in contempt petition vide Cont.P.No.2677 of 2024 by its order dated 02.02.2026 having categorically recorded a finding that the respondents having substantially complied, it is not open for the petitioner to say that the said satisfaction recorded by the Court is wrong for him to seek reopening of the contempt petition by filing the underlying sub application.



11. In view of the aforesaid analysis, the Sub Application as filed is misconceived and is dismissed. No order as to costs.

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17.07.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dh

To

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Secretariat, Fort St. George, Chennai – 600 009.

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