

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2015

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Dr. JUSTICE P.DEVADASS

Contempt Petition No.2333 of 2015

R. Pushpakumar

Petitioner

vs.

Mr. Ramamoorthy
Revenue Divisional Officer
Dharmapuri

Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, 1971, to punish the respondent for
wilful disobedience of the order dated 16.07.2015 passed in
W.P.No.21322 of 2015.

For petitioner Mr. S. Doraisamy

For respondent Mr.N.Sakthivel, Govt. Advocate

ORDER

(delivered by **SATISH K.AGNIHOTRI, J.**)

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By this petition, the petitioner seeks an action
against the alleged contemnor / respondent for deliberate
non-compliance of the order dated 16 July 2015 passed in
W.P.No.21322 of 2015.

2 While disposing of the aforesaid writ petition, this Court passed the following order :

"5. The community certificate issued by the competent authority in favour of the petitioner is not doubted. The other competent authority, while considering the application for the grant of similar community certificate to the children, has no competence to ignore the proper certificate issued in favour of the parents of the children, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee. If the competent authority has any doubt about the genuineness of the community certificate, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee and not to take contrary stand, without appropriate order passed by the State Level Scrutiny Committee.

6. For the reasons stated above, the impugned order dated 5.11.2014 is quashed and we direct the respondent to issue necessary community certificates to the children of the petitioner forthwith, preferably within a period of one week from the date of receipt of copy of this order. The writ petition stands disposed of accordingly. No costs."

3 In the aforestated order, it was clearly observed that in the event, there is any doubt about genuineness of the community certificate issued in favour of the petitioner, the matter be referred to the State Level Scrutiny Committee for appropriate orders. Otherwise, the children were entitled to community certificate to be issued within a period of one week.

4 It is stated by the learned Government Advocate that on a misunderstanding of the aforesaid order, though the matter was referred to the State Level Scrutiny Committee for verification of the certificate issued in favour of the petitioner, however, the petitioner's application was rejected.

5 Admittedly, rejection of the petitioner's application was not in accordance with the observation made by this Court in the writ petition. It is submitted that on realising the mistake made by the respondent, the rejection order dated 28th September 2015 has been recalled by the subsequent order dated 18th November 2015. The State Level Scrutiny Committee, taking cognizance of the reference made by the respondent, had initiated enquiry in respect of the certificate issued in favour of the petitioner. Thus, the respondent be forgiven for misunderstanding of the purport of the order dated 16 July 2015.

Since the order dated 28 September 2015 rejecting the petitioner's application has been recalled, awaiting the decision of the State Level Scrutiny Committee, as aforesaid, no case has been made out for contempt.

Accordingly, the contempt petition is closed. However, we deem it fit and proper to direct the State Level Scrutiny Committee to take decision expeditiously in respect of issue of necessary community certificates to the petitioner's children. It is directed accordingly.

cad

SD/]

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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RLD/CO/09/12/2015

One CC to Government Pleader, SR.14634

One CC to M/s.S.Doraisamy, Advocate, SR.14522

To

The Revenue Divisional Officer
Dharmapuri

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