

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM

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

Contempt Petition No.2334 of 2015

R.Pushpalatha ... Petitioner

Vs.

Ramamoorthy,
Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District. ... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondent for the
wilful disobedience of the orders of this court passed in
W.P.No.21320 of 2015 dated 16.07.2015 under the provisions
of the Contempt of Courts Act, 1971.

For Petitioner .. Mr.V.Elangovan

For Respondent .. Mr.N.Sakthivel, G.A.

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ORDER

(Order of the Court was made by **SATISH K.AGNIHOTRI, J.**)

By this petition, the petitioner seeks an action against the alleged contemnor / respondent for deliberate non-compliance of the order dated 16th July, 2015 passed in W.P.No.21320 of 2015.

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

"5.The community certificates issued by the competent authority in favour of the petitioner's brother and his wife are 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 certificates issued in favour of the close relatives of the children, unless the same are 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 22.6.2015 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 It was clearly observed that in the event there is any doubt about genuineness of the community certificate issued in favour of the petitioner's brother, the matter be referred to the State Level Scrutiny Committee for appropriate order. Otherwise, the petitioner was entitled to community certificate to be issued within a period of one week.

4 It is stated by the learned counsel for the respondent that on 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's brother and his wife, however the application was rejected.

5 Admittedly, rejection of the application was not in accordance with the observation made by this court in the writ petition. On realising the mistake made by the respondent, it is submitted that the rejection order dated 28th September, 2015 has been recalled by the subsequent order dated 14th 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's own brother R.Pushpakumar and Shanthi. Thus, the respondent be forgiven for misunderstanding of the purport of the order

6 Since the impugned order has been recalled, awaiting for 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.

Nvsri/vvk

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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Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

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