

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 02.06.2015 & Pronounced on: 15.10.2015

Coram :

The Honourable **Mr. Justice V. RAMASUBRAMANIAN**

Contempt Petition No.754 of 2015

Mrs.Prasanthi
W/o Maheswaran

...Petitioner

Vs

Mr.Yatheenthuranath Swen, I.A.S.,
The Secretary,
Public Department (SC),
Govt. of Tamilnadu,
Fort St. George, Chennai-600 009.

...Respondent

Contempt Petition filed under Section 11 of Contempt
of Court Act, 1971, seeking to punish the respondent for
his willful disobedience of the orders of this Court in
W.P.No. 34921 of 2013 dated 15.12.2014.

For Petitioner : Mr.T.Kalaimani

For Respondent : Mr.P.H.Arvinth Pandian, AAG
assisted by Mr.I.Arokiasamy, GA.

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ORDER

The petitioner who is the husband of a person by
name Mr.T.Maheswaran and who is currently detained in the
Special Camp, has come up with the above Contempt Petition
alleging wilful disobedience of the order passed by me on

2. Heard Mr.T.Kalaimani, learned counsel for the petitioner and Mr.P.H.Arvinth Pandian, learned Additional Advocate General assisted by Mr.I.Arokiasamy, learned Government Advocate.

3. The petitioner came up with a writ petition in W.P.No.34921 of 2013 seeking the issue of a writ of mandamus to direct the respondent to release her husband from the Special Camp at Poonamallee. The writ petition was disposed of by me with a direction to the respondent to reconsider the matter as to whether the continued detention of the petitioner's husband in the Special Camp was necessary at all and to pass orders within a period of four weeks.

4. Contending that no order was passed in pursuance of the decision rendered in the writ petition, the petitioner has come up with the above Contempt Petition.

5. On 10.4.2015, I directed the learned Government Advocate to take notice and get instructions. Thereafter, the respondent passed an order in Letter No.SR.III/2131-7/2014, dated 27.4.2015, rejecting the request of the petitioner on the ground that the continued retention of the petitioner's husband in the Special Camp is found necessary in the interest of Security, Peace and

Tranquility of the State.

6. In para 7.7 of the said letter it is indicated that periodical review meetings were conducted on the activities and conduct of all the inmates of the Special Camps and that the inmates whose conduct and activities are found to be good were delodged from the Special Camp and permitted to stay with their relatives/family members.

7. Paragraph 7.7 of the said letter reads as follows:

"7.7. Further, as per the directions given by the Hon'ble High Court of Madras in the Premavathy @ Rajavathy Vs. State of Tamil Nadu and others, the 'Q'Branch CID conducts review meeting periodically on the activities and conduct of all inmates of the Special Camps based on the inputs provided by the participants of the review committee and make recommendation to the Government for delodgement of the inmates whose conduct and activities are found to be good/upto mark. Accordingly, the inmates whose conduct and activities are found to be good, are delodged from the Special Camp and they are permitted to stay with their relatives/family members. The conduct and activities of your husband were reviewed and found to be not good by the Review Committee."

8. In the light of the above stand, I passed an order on 29.4.2015 directing the learned Additional Advocate General to produce the minutes of the Review Committee. The minutes were produced in a sealed cover for the perusal of the court alone.

9. I have perused the proceedings of the Review Committee. Since confidentiality is claimed with respect to its contents, I am not recording the details of the contents.

10. However, it is seen from the minutes of the meeting of the Review Committee dated 10.3.2015 that no adverse material against the petitioner's husband is recorded therein to justify the conclusion reached in para 7.7 of the letter dated 27.4.2015, which I have extracted above. It is actually the past conduct and the alleged association of the petitioner's husband with the banned organization that appears to have weighed with the Review Committee. Therefore, I am of the considered view that this Contempt Petition can be closed with a direction to the respondent to review the whole matter afresh, without being carried away by the criminal cases pending against the petitioner's husband, but to look into his conduct in the present.

The respondent may pass orders afresh within a period of four weeks.

11. The Contempt Petition is closed with this direction. There will be no order as to costs.

gr/kpl

SD/
DEPUTY REGISTRAR (OS)

//Certified to be true copy//

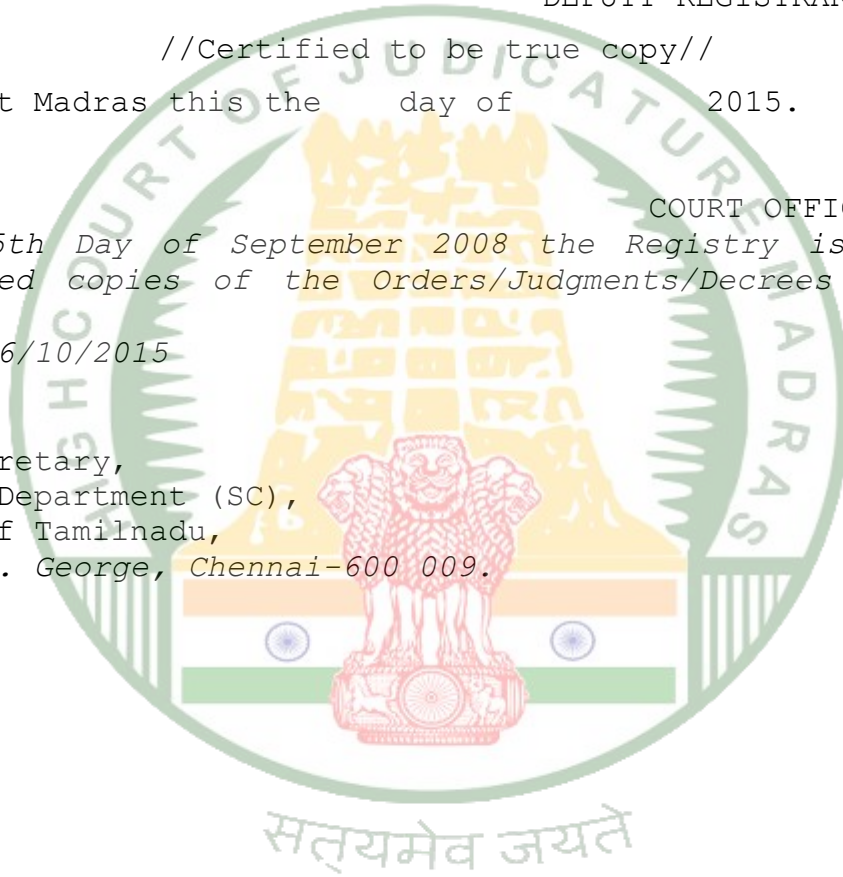
Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/16/10/2015

To
The Secretary,
Public Department (SC),
Govt. of Tamilnadu,
Fort St. George, Chennai-600 009.



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