

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Cont.P.No.3304 of 2014

P.Mathiarasan ... Petitioner
vs.

1.M.U.Arumugam,
District Registrar,
Registration Department,
Velappadi,
Vellore-632 001.

2.Mr.N.Gopal.
President,
Guru Service Scheme,
Self Help Group,
No.4, New Street,
Senguttai, Katpadi,
Vellore-632 007.

3.Tmt.Subashini,
Secretary,
Guru Service Scheme,
Self Help Group,
No.9/4, New Street,
Senguttai, Katpadi,
Vellore-632 007.

... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for their disobedience of the order dated 14.05.2014 in M.P.No.1 of 2014 in W.P.No.13627 of 2014.

For Petitioner : Mr.G.Poonkundran
For Respondent : Mr.TR.Rajagopalan,
Special Government Pleader

ORDER

Alleging disobedience of the order dated 14.05.2014, this

Contempt Petition has been filed.

2. Material on record discloses that a show cause notice has been issued by the Society, to the petitioner. Apprehending that in the Annual General Meeting to be conducted on 17.05.2014 at 03.00PM, action would be taken, in M.P.No.1 of 2014 in W.P.No.13627 of 2014, the petitioner has sought for an interim injunction, restraining the respondents 4 and 5 therein not to conduct the Annual General Meeting on the abovesaid date. Declining to grant the injunction prayed for, this Court, on 14.05.2014, ordered as follows:

"4. Such a blanket order of injunction cannot be granted. However, having regard to the apprehension of the petitioner and in the light of the submission that suitable reply would be given to the show cause notice, a direction is given to respondents 4 and 5 to consider the explanation, if submitted and to put off, any decision to be taken against the writ petitioner."

Matter has been directed to be posted on 03.06.2014. Thereafter, Guru Service Scheme Self Help Group, seemed to have issued another letter dated 10.09.2014, calling for an explanation. Discussions have been held in the meeting held on 04.10.2014 and a decision has been taken to remove the petitioner from Society. Accordingly, orders have been passed.

3. Though the petitioner has alleged that the respondents have committed contempt, by wilfully removing the petitioner, contrary to the directions and further submitted that they have no jurisdiction to do so, and thus, their acts are contumacious, this Court is not inclined to accept the said contention for the

reason that earlier on 14.05.2014, when M.P.No.1 of 2014 in W.P.No.13627 of 2014, came up for hearing, this Court only directed the respondents 4 and 5 therein, to consider the explanation, if submitted and to put off, any adverse decisions, if any to be taken, in the meeting. The said direction was issued, when the petitioner was apprehending that in the Annual General Meeting to be held on 17.10.2014 at 03.00PM, action would be taken against him. All that has been meant in the earlier dated 14.05.2014 was that no adverse action should be taken against the petitioner, without considering the explanation. From the order dated 08.10.2014, it could be deduced that only after considering the petitioner's letters dated 12.05.2014 and 18.09.2014, decisions have been taken and accordingly, communicated. If for any other reasons, the petitioner is aggrieved over the decision, removing him from the membership of the Self Help Group. It is open to him to challenge the order of removal in the manner known to law and contempt proceedings is not the remedy. In view of the above, this Contempt Petition is dismissed.

mps

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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SS/CO/17/02/2015

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