

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contp. No. No.3348 of 2014

Sathyaseelan

.. Petitioner

Vs.

Thiru.Rozario
The Deputy Commissioner of Excise
Govt. of Puducherry
Puducherry.

.. Respondent

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent for disobedience of the orders of this Court in W.P.No.21990 of 2014 dated 31.10.2014 and grant such other further relief.

For Petitioner :Mrs.G.V.Seetha Lakshmi
For Respondents :Mr.A.Tamilvanan
Govt.Advocate (Pondy)

ORDER

This Contempt Petition has been filed alleging wilful disobedience of the order and direction issued by this Court dated 31.10.2014 in W.P.No.21990 of 2014. The said writ petition was disposed of by issuing certain instructions to close down the shop run by one Jayalakshmi, who was the third respondent in the Writ Petition. The operative portion of the order and direction reads as follows:

"4.....Accordingly, there will be a direction to the second respondent to consider the petitioner's objection dated 01.08.2014, as well as the objection from the President of Arulmighu Sri Muthumariamman Devasthanam, Manavely, Ariankuppam, Puducherry-7, dated 31.07.2014 as well as the objection of Sri Ragavendra English School, Manavely Main Road, Ariankuppam, Puducherry-7, dated 01.08.2014 and if the 3rd respondent is running the shop in the place not notified in the Gazette, then, immediately action should be taken to close down the shop which is within the non-notified area. The said exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitioners are closed."

2.The petitioner would state that though such a positive direction was issued, till date the same has not been implemented.

3.This contention is stoutly refuted by the learned Government Advocate appearing for the respondent and submitted that order has been passed on 15.12.2014, properly implementing the order passed by this Court and the shop run by Jayalakshmi, has been ordered to be closed.

4.This contention is disputed by the learned counsel appearing for the petitioner.

5.The learned Government Advocate pointed out that in another writ petition filed by the same contempt petitioner in W.P.No.1881 of 2015, the Excise Department of Puducherry has filed a counter affidavit stating that on voth the said shop has been closed.

6.In the light of the stand taken by the respondent and taking into consideration the order dated 05.12.2014, passed by the Deputy Commissioner (Excise), Pondicherry, there will be a direction to the respondent to forthwith implement the order strictly without any default and implement the order dated 05.12.2014, which is an order passed pursuant to the direction issued by this Court in W.P.No.21990 of 2014 dated 31.10.2014, and the same shall be supervised by the Commissioner (Excise), Puducherry.

Accordingly, the Contempt Petition shall stand closed.

rpa

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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RJ/29/04/2015

One CC to Government Pleader, SR.5289

One CC to M/S.G.V.Seethalakshmi, Advocate, SR.5282