

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

Contempt Petition Nos.3427 and 3432 of 2014
(W.P.Nos.19839 and 19840 of 2013)

A.Gowdhaman ... Petitioner in both CPs.

-vs-

1. Smt.Sheela Balakrishnan I.A.S.,
Formerly Chief Secretary,
Govt. of Thamizh Naadu,
Now, Advisor to the Govt. of
Tamil Nadu, Chennai.
2. Mr.Mohan Verghese Chunkath I.A.S.
Formerly, Chief Secretary,
Govt. of Thamizh Naadu,
Now, Director, Anna Institute of
Management and Director General of
Training, Chennai.
3. Dr.M.Rajaram, I.A.S.
Secretary, Thamizh Development and
Information (Memorials) Dept.,
Govt. of Thamizh Naadu, Chennai.
4. Dr.G.Koteswara Prasad,
The Registrar,
University of Madras,
Rep. The University of Madras,
Chennai.
5. Mr.J.Kumaragurubaran, I.A.S.,
Director of Information and Public
Relations, Govt. of Thamizh Naadu,
Joint Secretary to Govt. Cadre,
Chennai.
6. Administrator General
and Official Trustee of Thamizh Naadu,

High Court Complex, Chennai.

7. The Chief Secretary,
Govt. of Thamizh Naadu,
Rep. The Govt. of Thamizh Naadu,
Chennai. .. Respondents in both CPs.

Petitions filed under Section 2(b) of the Contempt of Courts Act, 1971, to punish the respondents 1 to 5 for having committed Contempt of Court by willfully disobeying the direction given on 07.02.2014 in W.P.Nos.19839 and 19840 of 2013.

For Petitioner : Dr.A.E.Chelliah, S.C.
For Mr.S.Shanmugam
For Respondents : Mr.A.L.Somayaji,
Advocate General,
assisted by Mr.S.T.S.Murthi,
Govt. Pleader and
Mr.V.R.Kamalanathan, Addl.G.P.

* * * * *

COMMON ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The issue raised in the original writ petitions was in respect of various aspects arising from giving respect to the contribution made by Ma.Ve.Singaravelar as the freedom fighter. In this behalf, in different petitions, different directions were passed.

2.In so far as the direction to take immediate and urgent steps to construct the memorial for Ma.Ve.Singaravelar and a library in terms of G.O.(Ms). No.176, Tamil Development and Information (Memorials) Department, dated 12.07.2013 and a separate direction in another petition for taking steps to renovate the Memorials / Samadhis of forefathers of Ma.Ve.Singaravelar are

concerned, the stand sought to be taken now finally, in pursuance to an affidavit affirmed on 16.11.2015 is that needful has been done. This is in the context of the present contempt proceedings arising from a direction to consider the third aspect of renaming of the complex and the institution that stands in the name of Lady Willingdon in the name of Ma.Ve.Singaravelar.

3.It is the stand of the State Government that they have already done the needful to recognise the undisputed contribution of Ma.Ve.Singaravelar and thus, they are not desirous of renaming the complex now standing in the name of Lady Willingdon.

4.It is the stand of the State Government that the land in question where the Lady Willingdon College complex is located belongs to the Public Works Department, Government of Tamil Nadu, having been acquired under the Land Acquisition Act, 1894, after the payment of compensation to the land owner. The affidavit states that the renaming of the buildings, complexes and the institutions which are legacy of the British Rule is in the policy domain of the Government and is done in a phased manner and thus, no further direction is necessary, more so in view of the fact that this Court is exercising the contempt jurisdiction.

5.We have heard the learned senior counsel for the petitioner as well as the learned Advocate General.

<https://hcservices.ecourts.gov.in/hcservices/> The learned senior counsel for the petitioner seeks to emphasise that even qua the ownership of the land, in three

different affidavits, different stands have been taken. He admits that at best this Court could have asked the respondents to consider the matter and finds it painful that the Government has turned down the request to rename the building and continue the building in the name of Lady Willingdon, keeping in mind the historical perspective. However, in our view, there is no contempt jurisdiction to be exercised, since a decision has been taken, albeit, not palatable to the petitioner.

7. Learned senior counsel for the petitioner, faced with this position, submits that it is the duty of the parties approaching the Court, more so the Government, to assist the Court with proper facts and divergence of stand taken in the affidavits filed qua the issue of ownership of the land should visit the respondents with monetary consequences to compensate the petitioner. In this behalf, he seeks to rely upon the judgment of the Division Bench of this Court in **G.Rajaram vs. T.K.Rajendran, I.P.S., 2010 (4) CTC 407**, more specifically para 25. The facts of that case dealt with the issue of the police department calling the petitioner therein for interview belatedly, despite the directions passed by the Division Bench. In those circumstances, the petitioner therein was sought to be compensated and while doing so, the following observations were made:

" 25. Before parting with this order, we are constrained to observe that while the Government is defended by their officers, such officers should approach the Court with fair mind and understanding that they are only assisting the Court in the process of defending the

Government and they must put forth only the true facts which are reflected in the records and any deviation in the statements which are contrary to the record would amount to filing of a false statement before the Court and would obviously result in interference with the administration of justice. They should also not forget that every law abiding citizen expects that justice alone must win and any attempt to tamper the judicial process would necessarily result in destroying the very judicial system itself.'

8.No one can really have any caveat to the aforesaid proposition. It is also true that there have been different stands of the Government while examining the issue of ownership, but then the affidavits and counter-affidavits filed show that the question of examination of land record itself became a complicated one till this Court impressed upon the respondents that all necessary records should be examined and then only stand taken before the Court - an exercise which should have been done at the initial stage itself. However, we do not have really the affected party before us to be compensated in the present case. It was a larger public interest, which the petitioner propounded to recognise the contribution of a freedom fighter, which had been brought into the Court. His endeavour has been substantially successful in view of the action taken by the Government, in pursuance to the petition filed, the memorial and the library at Royapuram have been inaugurated, for which a sum of Rs.2.38 crores is stated to have been spent for construction and the Samadhis of the forefathers were renovated at a stated cost of RS.1.95 lakhs. Whether the building ought to have been renamed also would undoubtedly fall within the domain of

the Government.

9. In view of the aforesaid, we close the contempt proceedings and discharge the contemnors.

Sra

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/26/11/2015

Two Ccs to Mr. S. Shanmugam, Advocate, Sr.No.14159

To

1. The Chief Secretary,
Govt. of Thamizh Naadu,
Now, Director, Anna Institute of
Management and Director General of
Training, Chennai.

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