

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.03.2016

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI

AND

THE HONOURABLE MR. JUSTICE M.VENUGOPAL

Cont. P.No. 2471 of 2015

Mrs. Alka Mehta  
Petitioner

...

Vs.

Dr. K. Vijayakarthikeyan, I.A.S.,  
Commissioner,  
Coimbatore City Municipal Corporation,  
Town Hall, Coimbatore.1.

... Respondent

Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondent for his deliberate and willful disobedience of the order dated 11.02.2015 passed by this Court in W.P. No.2859 of 2015.

For petitioner :: Mrs. Poornima  
for Mrs. Raja Mathivanan

For Respondent :: Mr.P.H.Aravind Pandian, Addl. Advocate  
General

assisted by Mr. Sathyanarayana Prasad

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ORDER

This contempt petition is filed to punish the respondent for wilful disobedience of the order dated 11<sup>th</sup> February, 2015 passed by this Court in W.P. No. 2859 of 2015.

<https://hcservices.ecourts.gov.in/hcservices> 2 On 11<sup>th</sup> February, 2015, while disposing of the writ petition, being W.P.No.2859 of 2015, this Court passed the following

order :

"3.Considering the limited scope of the relief sought by the petitioner, the respondents are directed to consider and pass orders on his representation dated 08.01.2015, in accordance with law and on its own merits, within a period of six weeks from the date of receipt of a copy of this order."

3 After the receipt of the copy of the order, the petitioner sent a representation dated 21<sup>st</sup> March, 2015 to the respondent along with the copy of the order of this court dated 11<sup>st</sup> February, 2015 and the earlier representation dated 8<sup>th</sup> January, 2015, for taking necessary action. Thereafter, the petitioner has sent a legal notice dated 17<sup>th</sup> June, 2015 to the respondent herein. It appears that the representations sent along with the copy of the order of this Court was kept in cold storage. Finding no action, the petitioner filed the instant contempt petition, which came up for hearing on 8<sup>th</sup> February, 2016.

4 On request of the learned counsel appearing for the respondent, time was granted to file an affidavit of compliance. Again, the matter came up for hearing on 22<sup>nd</sup> February, 2016. The respondent has filed an affidavit, stating that the order has been fully complied with. A notice was issued on 22<sup>nd</sup> February, 2016, directing the contemner to remain present in Court to explain as to why contempt proceedings be not initiated against him for taking nearly a year for compliance of the order of this court.

5 On perusal of the affidavit, we do not find any justifiable reason for the delay, which is not permissible when there is no extension of time by the Court. The respondent tenders unconditional

apology and further submits that he had joined the service recently and has no experience in the field. Thus, the delay may be condoned. The respondent undertakes not to repeat the same and ensures that all judicial orders be complied with in its letter and spirit in future.

6 It is a case where the respondent has committed gross negligence. The delay of more than a year makes a case of default on the part of the respondent. However, having regard to his age and beginning in the administrative career, we are not inclined to pass any punitive order. However, we warn the respondent Officer that in future, he should be careful and all orders passed by Courts, unless the same are set aside or modified by the superior court, are required to be complied with in its letter and spirit without fail.

7 With the aforestated observations, the contempt petition stands closed.

ra/vvk

SD/  
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the        day of        2016.

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COURT OFFICER(O.S.)  
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CO/04/04/2016

One CC to M/s.J.Sathyanarayana Prasad, Advocate, SR.3032

One CC to Mr.M.Rajamathivanan, Advocate, SR.3101

To

<https://hcservices.ecourts.gov.in/hcservices/>  
The Commissioner,  
Coimbatore City Municipal Corporation,  
Town Hall, Coimbatore.1.