

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Contempt Petition No.1678 of 2016 &
Sub Applications (OS)No.282 of 2016

B.Kandasamy .. Petitioner

Vs

1.Mr.V.Kannan,
Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

2.K.Sagajanandam,
Nolambur PACCS 81 Enquiry Officer,
Office of the Deputy Registrar of
Co-operative Societies (PDS),
Villupuram. .. Respondents

PRAYER : Petition filed under section 11 of the Contempt of Courts Act, to punish the respondents herein for willful disobedience of the order passed by this Court in W.P.No.9639 of 2016, dated 16.03.2016.

For Petitioner : No appearance

For Respondent : Mr.L.P.Shanmughasundaram
Special Government Pleader

O R D E R

None appears for the petitioner. Heard
Mr.L.P.Shanmughasundaram, learned Special Government
Pleader, accepting notice on behalf of the respondents.

alleged willful disobedience of the order and direction issued by this Court in W.P.No.9639 of 2016, dated 16.03.2016. In the said Writ Petition, the petitioner sought for a Writ of Mandamus, to direct the respondents to recall the enquiry report and to direct the Enquiry Officer to proceed with the de nova enquiry. The operative portion of the said order, dated 16.03.2016 reads as follows:-

" 3. A perusal of the said letter shows that virtually the petitioner seeks for all the records pertaining to the Society. The question of furnishing the copies of those documents does not arise at this stage, however, to enable the petitioner to effectively put-forth his defence, the petitioner should be permitted to peruse those documents, as sought for by him and to take notes. It is only thereafter, the petitioner should be granted time to submit his explanation and contest the matter. Accordingly, the second respondent is directed to keep the surcharge proceedings, initiated pursuant to the report, dated 05.01.2016, in abeyance for a period of three weeks from today. Within such time, the petitioner is directed to peruse all the documents in the Office of the second respondent, in the present of the Officials, and he is permitted to take notes. The petitioner shall peruse those documents within three days from today, after which, he should submit his explanation/objection and participate in the proceedings."

Thus, in terms of the above direction, the petitioner be permitted to peruse all the documents as sought for and take notes and thereafter submit his explanation.

3. It is alleged in this Contempt Petition that the first respondent has violated the Order and direction issued by this Court and have been issuing summons to the petitioner by compelling him to attend the enquiry, without complying with the directions issued by this Court in the Writ Petition in W.P.No.9639 of 2016. There are documents filed in the typed-set of papers, more particularly, the documents from pages 103 onwards shows that there has been exchange of correspondence between the petitioner and the first respondent as well as the petitioner's counsel and the respondents. The learned Special Government Pleader appearing for the respondents has produced original files and submitted that in spite of notices having been sent, the petitioner failed to appear before the first respondent. However, the learned Special Government Pleader fairly states that this Court may direct the petitioner to appear before the first respondent on any date and peruse the documents and then submit his explanation.

4. In the light of the above, there will be a direction to the petitioner to appear before the first respondent on 08.08.2016 at 10.30 a.m., in the Office of the first respondent and on the said date, the petitioner should be permitted to peruse the records and take notes,

so as to enable him to comply with the direction issued in the Writ Petition.

5. With the above direction, the Contempt Petition is closed. It is made clear that if the petitioner fails to comply with the above direction, then it is open to the first respondent to proceed further in accordance with law. Consequently, connected Sub Application(OS)No.282 of 2016 is closed.

r n s

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)

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CO/01/08/2016

One CC to Mr.R.Karunakaran, Advocate, SR.9043/2016

To

1.Mr.V.Kannan,
Deputy Registrar of Co-operative Societies,
Tindivanam Circle, Jayapuram,
Tindivanam, Villupuram District.

2.K.Sagajanandam,
Nolambur PACCS 81 Enquiry Officer,
Office of the Deputy Registrar of
Co-operative Societies (PDS),
Villupuram.

3.B.Kandasamy,
S/o.Balaraman,
Seshajala Mudali Street,
Gidangal-1, Tindivanam.