

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.12.2016

CORAM

THE HON'BLE Mr. **JUSTICE T.S.SIVAGNANAM**

Cont.P.No.2971 of 2016

S.Govindaraj

... Petitioner

Vs.

1.Mr.Apurva Varma

Chairman,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC Ltd),
Secretariat, Fort St.George,
Chennai-600 009.

2.Mr.Kirlosh Kumar

Managing Director,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC Ltd),
4th Floor, CMDA Tower-II,
Gandhi Irwin Bridge Road,
Egmore, Chennai-600 008

3.Mr.Murugan,

District Manager,
Tamil Nadu State Marketing Corporation Limited,
(TASMAC Ltd),
Ambattur-1, Chennai North,
Chennai-600 058

... Respondents

Contempt Petition has been filed under Section 11 of Contempt of Courts Act to punish the respondents for willful disobedience of the orders of this Hon'ble Court passed in W.P.No.32271 of 2016, dated 15.09.2016, under the provisions of the Contempt of Courts Act.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.C.K.Kasirajan

ORDER

Heard Mr.S.Doraisamy, the learned counsel for the petitioner and Mr.C.K.Kasirajan, the learned counsel for the respondents/contemnors.

2. This contempt petition has been filed stating that the order and direction in paragraph No.9(2) of the order dated 15.09.2016 has been violated.

3. The order and direction issued in W.P.No.32271 of 2016, dated 15.09.2016, reads as follows:

"9. In the light of the above, the writ petition is disposed of on the following conditions:

1. The Respondent TASMACH shall pay Rs.7,22,441/- to the petitioner within a period of one week from today, without awaiting for the certified copy of this order.

2. The third respondent, within one week from today, shall issue notice to the petitioner clearly stating as to how they arrived at the amount of Rs.7,31,359/- which, according to the respondents, is the arrears of license fee payable by the petitioner. The notice should contain full details, so as to enable the petitioner to give an effective reply. On receipt of such notice, two weeks time is granted to the petitioner to submit his reply, after which, an enquiry shall be conducted by the third respondent, verifying the receipts or documents that may be produced by the petitioner and thereafter, pass a speaking order on merits and in accordance with law.

3. The petitioner is entitled to take assistance of an authorised representative to represent him during the course of hearing before the third respondent.

4. It is also open to the petitioner to make a request for enhancement of the lease rent and if the same is made, that shall be also considered in accordance with law."

4. The learned counsel for the respondents/contemnors submitted that in compliance with the direction issued, the respondents had issued a show cause notice dated 26.09.2016 and the other and direction issued in paragraph No.9(1) has been complied with and payment of Rs.7,22,441/- has been made to the petitioner. The learned counsel produced a copy of the show cause notice, dated 26.09.2016.

5. It is seen from the show cause notice that there is a reference to the writ petition and a contempt petition which are not the writ petition and contempt petition, which were disposed of by this Court. However, the learned counsel for the respondents/contemnors would submit that this is an inadvertent error. But, in the body of the show cause notice, the details have been correctly mentioned.

6. On a perusal of the show cause notice it is seen that recovery is sought to be made from the petitioner in respect of the alleged dues payable by Tmt.G.Chandra, wife of the petitioner and Mr.G.Selvakumar, son of the petitioner. It is not in dispute that separate contracts were entered into between the petitioner, his wife

and son, for different shops and therefore, each being a separate contract, the respondents would not be justified in connecting all the matters together and seeking to recover the entire money from the petitioner and thus, on both the grounds, the show cause notice dated 26.09.2016 is not sustainable.

7. Faced with this situation, the learned counsel for the respondents/contemnors submits that the respondents will withdraw the show cause notice dated 26.09.2016 and issue a fresh show cause notice in terms of the observations made by this Court.

8. The said submission is placed on record and accordingly, this contempt petition is disposed of by directing the respondents to scrupulously follow the order and direction in paragraph No.9(2) of the order, referred above. No costs.

02.12.2016

msk

T.S.SIVAGNANAM,J.

msk

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