

Contempt Case No. 432 of 2014

ORDER:

This contempt case is filed alleging wilful and deliberate violation of the order passed by this court in W.P. No. 19343 of 2013 dated 5.7.2013. The order in W.P.No.19343 of 2013 dated 05.07.2013 required the petitioner to submit an application, in the prescribed form, within two weeks from the date of receipt of a copy of the order; and for the 3rd respondent therein to consider the same, and pass orders thereupon, in accordance with law within two months thereafter.

In the additional counter affidavit dated 5.2.2016, it is stated that the petitioner's application was considered by the then Tahsildar; an endorsement dated 5.12.2013 was issued to the petitioner, and was sent through post on 23.12.2013. A copy of the despatch register, which records the endorsement having been despatched to the petitioner, has also been produced.

While Smt. M. Bhagyasri, learned counsel for the petitioner, would draw my attention to the counter affidavit to submit that the petitioner's application has not been properly considered, the correctness or otherwise of the endorsement can only be examined in independent legal proceedings, and not under the Contempt of Courts Act. The order, violation of which is alleged in the contempt case, only required the

respondent to consider the petitioner's case. As the petitioner's case was considered, and an endorsement was issued, the respondent cannot be held to have violated the order of this Court, much less wilfully and deliberately.

I see no reason, therefore, to proceed against the respondent under the Contempt of Courts Act. The Contempt Case is accordingly, closed.

(RAMESH RANGANATHAN, ACJ)

23rd December, 2016

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THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



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Date: 23.12.2016

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