



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2017

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WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

Contempt Petition No.817 of 2016

M.Marcelin Arulraj

... Petitioner/Petitioner

-vs-

Mr.R.Sivadass,
District Adidravida Welfare Officer,
Nagercoil, Kanyakumari District.

... Respondent/2nd Respondent

Prayer: Contempt petition filed under Section 11 of Contempt of Courts Act, praying to punish the respondent for the wilful disobedience of the order of the Hon'ble High Court dated 01.04.2016 passed in W.P.(MD) No.6460 of 2016.

Prayer in WP(MD). 6460/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the 2nd respondent to grant the petitioner No Objection Certificate and to exempt the petitioner from the payment of Rs.96,521/- as per the Audit Report in the light of order passed by this Honble Court in WP(MD)No.10937 of 2009 dated 18.07.2014.

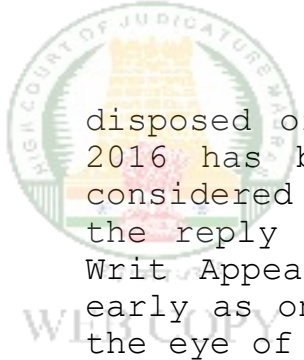
For Petitioner : Mr.M.Subash Babu
For Respondent : Mr.A.K.Baskara Pandian
Spl. Govt. Pleader

O R D E R

This Contempt Petition is filed alleging willful disobedience of the order dated 01.04.2016 passed in W.P.(MD) No.6460 of 2016.

2. It is represented by the learned Special Government Pleader that the order of this Court has been complied with and the respondent herein has already passed the order dated 06.06.2016, thereby disposing of the representation of the petitioner.

3. At this juncture, learned counsel for the petitioner would submit that in the order passed by the respondent dated 06.06.2016, it has been stated that against the connected writ petition filed by the very same petitioner in W.P.(MD) No.10937 of 2009, which was



disposed of on 18.07.2014, Writ Appeal in W.A.(MD) SR No.21582 of 2016 has been filed and the request of the petitioner would be considered after the orders passed in the said appeal. However, from the reply received under RTI Act, it may be noticed that the said Writ Appeal was dismissed for default in the SR stage itself as early as on 01.06.2016 and therefore, there is no appeal pending in the eye of law.

4. Perusal of records, it is apparent that as of now, no writ appeal is pending either against the present order under contempt or against the connected writ petition filed by the petitioner and therefore, it is incumbent upon the respondent herein to take a decision on the request of the petitioner in accordance with law.

5. Learned Special Government Pleader has submitted that he will instruct the respondent to act swiftly and take a decision in letter and spirit

6. In view of the above submission, this Contempt Petition is closed.

Sd/-
Assistant Registrar (C)

/True Copy/

Sub Assistant Registrar

To:

Mr.R.Sivadass,
District Adidravida Welfare Officer,
Nagercoil,
Kanyakumari District.

+ 1 CC TO Mr.M.SUBASH BABU, ADVOCATE IN SR No. 6757

AR
TE/CM-MSA : 15/03/2017 : 2P/3C

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